

PB# 90-34

OAKWOOD COMMUNITY CENTER

44-1-39

Approved 10/3/90

General Receipt

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

11484

Received of Tectonic Engineering Consultants July 9 19 90
Twenty-five and 00/100 DOLLARS
For Planning Board Application Fee #90-34

DISTRIBUTION

| FUND | CODE | AMOUNT |
|-----------|------|--------|
| Ch # 4919 | | 25.00 |
| | | |
| | | |

By Pauline G. Townsend
Town Clerk
Title

Williamson Law Book Co., Rochester, N. Y. 14609

General Receipt

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

11485

Received of Pauline G. Townsend July 9 19 90
Seven Hundred Thirty and 00/100 DOLLARS
For Planning Board Site Plan Escrow #90-34

DISTRIBUTION

| FUND | CODE | AMOUNT |
|-----------|------|--------|
| Ch # 1152 | | 730.00 |
| | | |
| | | |

By L. Lin
Captain
Title

Williamson Law Book Co., Rochester, N. Y. 14609

Planning Board
Town Hall
555 Union Ave.
New Windsor, N.Y. 12550

NO. 90-34
10-3 19 90

RECEIVED FROM Bernard Kozyskowski (Oakwood)
Six Hundred Twenty Eight 50/100 DOLLARS
Engine fee for Oakwood Escrow Total Eng.
\$730.00 + \$678.50 = 1,408.50

Account Total \$ 678.50
Amount Paid \$ 678.50
Balance Due \$ -0-

L. Lin
Myra Mason
P.B. Secretary

"THE EFFICIENCYLINE" AN ARMOB PRODUCT

| | | |
|-----------|--|-------|
| Ch # 4919 | | 25.00 |
| | | |
| | | |

By Town Clerk
 Title

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, N. Y. 12550

General Receipt

11485

Received of Pauline M. Townsend \$ 730.00

July 9 19 90

Seven Hundred Thirty and 00/100 DOLLARS

For Planning Board Site Plan Escrow #90-34

| FUND | CODE | AMOUNT |
|-----------|------|----------|
| Ch # 1152 | | \$730.00 |
| | | |
| | | |

By Pauline M. Townsend
 Title

Planning Board
 Town Hall
 555 Union Ave.
 New Windsor, N.Y. 12550

NO. 90-34

10-3 19 90

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Balance Due \$ -0-

Pauline M. Townsend
Myra Mason
P.B. Secretary

"THE EFFICIENCYLINE" AN AMPAS PRODUCT

| | | | | | |
|--|------|------------------------|--|----------------------------|--|
| TOWN OF NEW WINDSOR | | General Receipt | | 11661 | |
| 555 Union Avenue | | | | | |
| New Windsor, N. Y. 12550 | | | | | |
| Received of <u>Bernard Thomas Kozykowski</u> | | \$ <u>100.00</u> | | <u>Oct. 3</u> 19 <u>90</u> | |
| <u>One Hundred and 00/100</u> | | | | <u>00</u> | |
| | | | | DOLLARS | |
| For <u>Site Plan Approval #90-34</u> | | | | | |
| DISTRIBUTION: | | | | | |
| FUND | CODE | AMOUNT | | | |
| Ch # 1771 | | \$100.00 | | | |
| | | | | | |
| | | | | | |

By Pauline M. Townsend
Town Clerk
 Title

Kozykowski
 858-8220

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/01/90

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 90-34

NAME: OAKWOOD COMMERCIAL CENTER - AMENDED
APPLICANT: KLEIN, LEON (K & K MANAGEMENT)

| | DATE-SENT | AGENCY----- | DATE-RECD | RESPONSE----- |
|------|-----------|--|-----------|-----------------------|
| ORIG | 07/09/90 | MUNICIPAL HIGHWAY | / / | |
| ORIG | 07/09/90 | MUNICIPAL WATER . INSPECTIONS FOR WATER HAVE NOT BEEN PAID FOR | 07/10/90 | DISAPPROVED |
| ORIG | 07/09/90 | MUNICIPAL SEWER | 09/04/90 | APPROVED |
| ORIG | 07/09/90 | MUNICIPAL SANITARY . DOES NOT INDICATE SEWAGE DISPOSAL | 07/10/90 | DISAPPROVED |
| ORIG | 07/09/90 | MUNICIPAL FIRE . DRIVEWAY SHOULD BE 30' - SHOWS 25' ON PLAN -SEE REVIEW SHEET | 07/11/90* | DISAPPROVED-SEE BELOW |
| ORIG | 07/09/90 | PLANNING BOARD ENGINEER | / / | |
| ORIG | 09/28/90 | MUNICIPAL FIRE . SEE REVIEW SHEET IN FILE: CURB CUT OF 26' APPROVED PER D.O.T | 09/26/90* | APPROVED |

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/03/90

PAGE: 1

LISTING OF PLANNING BOARD FEES
Escrow

FOR PROJECT NUMBER: 90-34

NAME: OAKWOOD COMMERCIAL CENTER - AMENDED
APPLICANT: KLEIN, LEON (K & K MANAGEMENT)

| --DATE-- | DESCRIPTION----- | TRANS | AMT-CHG | AMT-PAID | BAL-DUE |
|----------|------------------|--------|---------|----------|---------|
| 06/29/90 | SITE PLAN ESCROW | PAID | | 730.00 | |
| 10/02/90 | ENGINEER FEE | CHG | 1408.50 | | |
| 10/03/90 | SITE PLAN ESCROW | PAID | | 678.50 | |
| | | TOTAL: | 1408.50 | 1408.50 | 0.00 |

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/03/90

PAGE: 1

LISTING OF PLANNING BOARD FEES
Approval

FOR PROJECT NUMBER: 90-34

NAME: OAKWOOD COMMERCIAL CENTER - AMENDED
APPLICANT: KLEIN, LEON (K & K MANAGEMENT)

| --DATE-- | DESCRIPTION----- | TRANS | AMT-CHG | AMT-PAID | BAL-DUE |
|----------|--------------------|--------|---------|----------|---------|
| 10/03/90 | SITE PLAN APPROVAL | CHG | 100.00 | | |
| 10/03/90 | SITE PLAN APPROVAL | PAID | | 100.00 | |
| | | TOTAL: | 100.00 | 100.00 | 0.00 |



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

- ☐ Main Office
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ Branch Office
400 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

28 September 1990

MEMORANDUM

TO: Town of New Windsor Planning Board

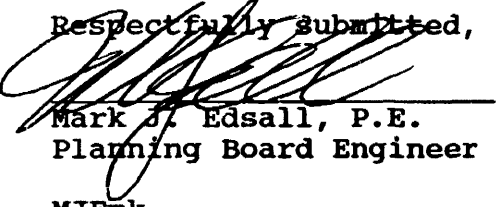
FROM: Mark J. Edsall, P.E., Planning Board Engineer

SUBJECT: OAKWOOD COMMERCIAL CENTER AMENDED SITE PLAN
NEW WINDSOR PLANNING BOARD NO. 90-34
STATUS OF SITE COMPLETION

As a follow-up to the memorandum dated 18 September 1990 (copy sent to Chairman Schiefer), please be advised that the drainage improvements at the intersection of Oakwood Terrace and New York State Route 94 have been completed in accordance with the agreement between the State Representative and Highway Superintendent Fayo. In addition, please be advised that the Town Fire Inspector has issued a memorandum dated 26 September 1990 which indicates that the 26 foot width curb cut is acceptable, based on DOT input.

Based on the above, it is my understanding that all matters relative to this site plan have been completed, in accordance with the guidelines set by the Planning Board at their several meetings.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

cc: Andrew Kreiger, Planning Board Attorney
Michael Babcock, Building Inspector

A:9-28-3ME.mk

ANDREW S. KRIEGER
ATTORNEY AT LAW
219 QUASSACK AVENUE
SQUIRE SHOPPING CENTER, SUITE 3
NEW WINDSOR, NEW YORK 12553

(914) 562-2333

October 1, 1990

Michael Babcock
New Windsor Building Inspector
555 Union Avenue
New Windsor, New York 12553

Re: Oakwood Commercial Center

Dear Mr. Babcock:

Pursuant to my discussions with Mark Edsall, P.E. and the architect for the applicant, this will advise you that the developers agreement signed by the applicant does not prevent or effect the return of the bond money.

If the Board's Engineer certifies that all work has been completed, then I see no objection to returning the bond money to the applicant without the necessity of a further vote by the Board.

Thank you.

Very truly yours,

ANDREW S. KRIEGER

ASK:mmt

cc: Carl Schiefer, Planning Board Chairman
Lawrence Reis, Comptroller, Town of New Windsor
Mark Edsall, P.E.



McGOEY, HAUSER and EDSALL
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Mifflord, Pennsylvania 18337
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18 September 1990

MEMORANDUM FOR RECORD

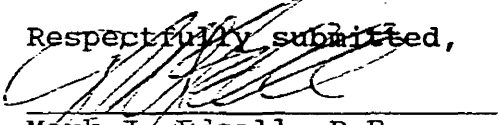
SUBJECT: OAKWOOD COMMERCIAL SITE PLAN
NEW WINDSOR PLANNING BOARD 90-34

This memorandum shall record that on 17 September 1990 a meeting was held with Don Green and Bill Elgee (NYSDOT), Skip Fayo (New Windsor), Bernie Kozykowski (Applicant's Architect) and the undersigned, to discuss the outstanding items for final approval of the subject project. Also present at the end of the meeting was Assemblyman Bill Larkin. The following items were discussed:

1. The State DOT does not want a catch basin installed at the corner of Route 94 and Oakwood Terrace. They would rather have the drainage situation returned to its condition prior to the work performed by the Oakwood Developers; i.e. - the surface would be returned to gravel near the front of the stone wall and the intersection drainage would be directed to same. This will involve some minor grading and surface work, which is to be performed by the Developer's Contractor. As far as the repairs to the pavement at the intersection, Skip Fayo indicates that he will do same as he previously agreed.
2. With regard to the entrance width, Don Green indicates that NFPA requirements are for a minimum 24 foot width and 26 foot is provided. As such, DOT does not want a 30 foot entrance width. Don Green is to write a letter in this regard.
3. I advised Bernie Kozykowski that the letter regarding reduction in the performance guarantee has been prepared, and he may wish to follow-up on same.

Bernie indicates that these minor items will be immediately addressed and, upon completion of same he will contact me.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk

cc: Carl Schiefer, Planning Board Chairman
A:9-18-5ME.mk



McGOEY, HAUSER and EDSALL
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14 September 1990

Mr. Bernard Kozykowski
P.O. Box 710
Port Jervis, New York 12771

SUBJECT: OAKWOOD COMMERCIAL CENTER SITE PLAN (90-34)
STATUS OF SITE PLAN COMPLETION

Dear Bernie:

In a continued effort to resolve and "close-out" the subject matter, during the discussion portion of the regularly scheduled 12 September 1990 Planning Board meeting, I reviewed the status of the subject project with the Planning Board Members. This status review was based on our numerous telephone discussions and recent field meetings. Please be advised of the following:

1. It was the consensus of the Board that they would not "override" the Fire Inspector's office regarding the curb-cut width for the main entrance. The Board has indicated that they would accept the curb-cut installation as installed, if you are able to obtain approval from the Fire Inspector's office. Please contact that office directly in this regard.
2. The Board was advised regarding the receipt of the site lighting data as submitted and has determined that no additional information regarding site lighting is required.
3. With regard to the drainage provisions for the project area along Route 94, the Town Highway Superintendent has indicated that installation of a single catch basin with discharge to the existing stone drywell would be acceptable in lieu of the improvements shown on the approved site plan. This matter requires further discussion with the New York State Department of Transportation and will be an item of discussion at the field meeting to be scheduled during the week of 17 September 1990. The Planning Board has indicated that they will accept any solution which is satisfactory to the Highway Superintendent and the undersigned.

14 September 1990

4. With regard to the type drainage discharge system utilized on the site (i.e. seepage pits with over-pavement overflow), the undersigned has requested a design letter from Tectonic Engineers, the project designers. The Planning Board has indicated that, although they do not recommend this type system, they will accept the drainage upon receipt of the design letter.
5. The handicapped signs as re-located are acceptable. No further action is necessary.
6. It is again recommended that the air conditioners be set on pads to prevent unit damage. This is a recommendation only, action is purely at the discretion of the Owner.
7. The concrete pad, as installed in the dumpster enclosure, is acceptable. No further construction is necessary. The Applicant is reminded that pickup of refuse should be scheduled at such a frequency to avoid "spill-over", which has been observed in the recent month.

Based on the listing above, it is obvious that the Planning Board has made an effort to reach a "reasonable" close-out of the project work. It is requested that you make every effort to arrange a timely completion of the remaining work, co-ordinating with the developers and their contractors. Upon completion of the remaining items, I will make a follow-up site visit such that I can advise the Board when all items are completed.

With regard to the performance guarantee deposited with the Town as part of the developer's agreement, the Board, by majority, voted to decrease the performance guarantee by 50%, thereby reducing the amount from \$15,000.00 to \$7,500.00. The Board has indicated that, upon completion of the remaining work, release of the balance of the amount can be considered.

I am hopeful that the above assists you in your review of the status of the project and look forward to the successful completion of the site work. Please do not hesitate to contact me, should you have any questions.

Very truly yours,

McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS, P.C.


Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk

cc: Carl Schiefer, Planning Board Chairman
Andrew Kreiger, Esq., Planning Board Attorney
Michael Babcock, Town Building Inspector
A:KOZYKOW.mk



**McGOEY, HAUSER and EDSALL
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20 September 1990

Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

ATTENTION: CARL SCHIEFER, CHAIRMAN

SUBJECT: OAKWOOD COMMERCIAL CENTER AMENDED SITE PLAN
NEW WINDSOR PLANNING BOARD NO. 90-34

Dear Mr. Schiefer:

Attached hereto, please find the original letter provided by the engineering designer for the subject project, with specific reference to the design basis for the on-site drainage system. Based upon submittal of this design data, it is my understanding that the Planning Board has accepted this alternative design, in lieu of conventional collection and disposal to adjoining systems.

Very truly yours,

McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS, P.C.


Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A: SCHIEF.mk



TECTONIC
ENGINEERING CONSULTANTS P.C.

OTHER OFFICES:
Auburn, MA
Waterbury, CT
Paramus, NJ

P.O. Box 447, 600 Route 32
Highland Mills, N.Y. 10830-0447 (914) 928-6531

FAX (914) 928-9211

RECEIVED

SEP 15 1990

McGoey, Hauser & Edsall
Consulting Engineers, P.C.

Mr. Mark Edsall
McGoey, Hauser & Edsall
45 Quassaick Avenue
New Windsor, New York 12550

September 13, 1990

RE: W.O. 739.01
Oakwood Commercial Center
Drainage System Design Criteria

Dear Mark:

Confirming our recent telephone conversation, the following design criteria was used for the onsite drainage system:

1. Storm Return Period - 25 years
2. Duration 1 hour
3. Time of Concentration 10 min.
4. Rainfall Intensity 5.5 in./hour
5. Soil Percolation Rate 3 min./inch

The drainage system was design as a seepage type system to take advantage of the well draining granular soils.

Please do not hesitate to call should you have any questions.

Sincerely,

Donald A. Benvie, P.E.
Principal

DAB/rw

File 134

OAKWOOD:

BY MR. EDSALL: On Oakwood, you have got a memo that you have had tonight, I don't know if you have had a chance to read it during the low spots of the meeting. It is an update on the status of the project. We have a problem with the D.O.T. still because the entrance -- bottom line, I will go over them. The original plan you approved showed a 30 foot access off 94. The as-built plan they submitted shows I believe it's 26, thereabouts, they are a little short of what they show in real life. I asked the building inspector and the fire inspector rather and the assistant fire inspector if they'd accept the 26. They said no, we approved 30, D.O.T. allows 30, that is what we want. If you want me to go back and ask them to reconsider, I can. They are continuing to disapprove. They want the 30 foot.

BY MR. VANLEEUWEN: Why do we have to have the 30 foot to get long fire truck in there?

BY MR. EDSALL: Vails Gate has an extremely large ladder truck.

BY MR. VANLEEUWEN: I agree, if they are going to go in there at a fire they are not going to park in the parking lot because they are going to be too close to the building.

BY MR. EDSALL: I will if you care, I will --

BY MR. VANLEEUWEN: I would love to break these guys' horns, okay, but for four feet, really for four feet they can't, they are not going to put that ladder truck in the parking lot.

BY MR. LANDER: Is that the point, is the point the four feet or they didn't do what the plan called for?

BY MR. VANLEEUWEN: They didn't do what the plan called for.

BY MR. LANDER: On how many different occasions, 15?

BY MR. MCCARVILLE: My point is if they can't get

that into the parking lot, they are going to have to fight a fire over a stone wall and park a truck on the state highway.

BY MR. LANDER: I don't think they want to be in the parking lot with the fire truck anyway, but that is not the point. They didn't do it according to the plan just like one that came in here just a few minutes ago, all right, that curb is not there, the curb is on the plan. When he comes in, he is going to have to amend the plan if you guys want him to.

BY MR. SCHIEFER: My comment on the thing is I agree with both you guys. I don't think they need the four feet but I am not going to make the decision for the fire company. If the fire company does not agree, I'm not going to override the fire company. I agree with the logic. I have no problem with it. I am not going to go on record as approving it and the fire company saying no.

BY MR. VANLEEUWEN: I didn't say that we should but I am saying that the fire company should look at this and look a little more realistically. Not because they wanted the 30 feet.

BY MR. SCHIEFER: I have no problem with the 28 feet but I am not going --

BY MR. VANLEEUWEN: Where they come out there, Carl, you got a little bit more room with four foot less.

BY MR. SCHIEFER: They are not going to put a big ladder truck on a one story building.

BY MR. LANDER: They have more room with four foot less?

BY MR. VANLEEUWEN: Not in the width but between the main highway, coming out we are talking to the left side of the property, correct, or main entrance.

BY MR. LANDER: 94 is the main entrance.

BY MR. VANLEEUWEN: I thought it was on the other end.

BY MR. EDSALL: Oakwood entrance has always been smaller but the main entrance was set at 30. They just built it smaller. The stone walls got 30 feet, they built the curbs instead of putting the curbs near the stone wall, they built them where they wanted to.

BY MR. VANLEEUEWEN: I didn't go down and look because I didn't have the time, is it two feet on each side where the curb comes out past the stone wall?

BY MR. EDSALL: It's out a couple of feet from the stone wall on each side.

BY MR. VANLEEUEWEN: We don't want the curb against the stone wall, it's not going to do any good if he is going to hit the curb, he is going to hit the stone wall.

BY MR. MCCARVILLE: If he is going to hit the stone wall, he shouldn't be going in there.

BY MR. SCHIEFER: Discuss it further with the fire company. We do not want, we are not going to override the fire company but we wish they'd reconsider.

BY MR. MCCARVILLE: No, we don't wish they'd reconsider. I think that's a fire company decision and I don't think on behalf of the applicant we should be putting any pressure on any fire company to change the decision that they have made.

BY MR. DUBALDI: Are we going to make a recommendation or --

BY MR. LANDER: Up to the fire department, they want 30 feet, that is what they are going to get unless Kline and Kline come down here and get the fire department to change their mind.

BY MR. BADCOCK: As you gentlemen can remember, the fire company and everybody wanted these intersections to be 34 feet, D.O.T. will not accept 34 feet. They will only accept 30 feet. That is why they are reduced to 30. Now, we are reducing it to 26.

BY MR. EDSALL: Item number two originally the Board said they wanted a plan showing all the lighting with Isolux curves on it so we could see where the lighting concentration was. I have not gotten it. I have gotten a half assed plan that shows one Isolux for one light, one Isolux for another and I am supposed to have a phenomenal imagination and have them multiply all over the plan. I can't do it. We asked for a complete plan. We haven't gotten it. If you want to say you don't care, I won't ask for it.

BY MR. DUPALDI: In honor of John, I think we should insist on it.

BY MR. SCHIEFER: I am not going to get hung up on that issue.

BY MR. MCCARVILLE: Me neither, so don't push that one. To me, it's the fire company is the issue.

BY MR. EDSALL: Drop that issue?

BY MR. SCHIEFER: Drop that issue.

BY MR. EDSALL: The third issue is the drainage. You remember Skip said he had a problem with Oakwood and 94 and supposed to put a ditch all along which for some reason they never got done and they rebuilt it here so now the site is worse. We have come to an agreement. Skip put about 30 yards of stone in. I have proposed that they put a catch basin in and tie the drainage into that dry well and be done and Skip said he's take care of the paving. He'd be happy with that.

BY MR. LANDER: That was supposed to hook into 94 to the storm drains. They never did that.

BY MR. EDSALL: This is two issues on site drainage quite interesting, too, I will bring that up next, but Skip says that it's been working for years, but now that there is a finished surface, you can't get into the pit. If he puts a catch basin and ties it in directly, it will work. If he's happy, I'm happy, so that's a little change, but if they want to do it fine.

BY MR. SCHIEFER: If that is an alternative to what we proposed, go ahead.

BY MR. EDSALL: They were supposed to put in a full drainage system and tie it in. Instead, we ended up with seepage pits and perforated pipe connecting it. Design engineer has sworn to me they did perk tests, very sandy materials, less than one minute perk. He claims he did all the testing. This is not for sanitary, just for drainage. He indicated he personally went down and checked it. I asked him for a letter. It's on site drainage as far as I'm concerned if they flood themselves out, we tried.

BY MR. VANLEEUEWEN: That is their problem.

BY MR. EDSALL: There is an overflow pipe if the entire --

BY MR. LANDER: If you go behind Uncle Chu's, every time it rains, there is a pond back in there, they are dry wells. Paul was the engineer on that job for the Town. He said they will work. I said no way in hell will they work. You go back there in the wintertime and it's an ice skating rink. Of course, then there was nobody going in there. Now it's Uncle Chu's. The place is mobbed.

BY MR. EDSALL: You will accept that design?

BY MR. SCHIEFER: Yes.

BY MR. EDSALL: That is going to be acceptable with a letter. Comment number six was we have told them 12 times they should put pads underneath the air conditioners. They own them. If they want to ruin them, fine.

BY MR. LANDER: Did they put the post?

BY MR. EDSALL: Yes, and the concrete pad was put in the dumpster enclosure. They have indicated that they contacted Central Hudson and they said no, don't do anything, don't put any covers on our meters. So what you are saying, let them straighten it out with the fire inspector, they can straighten out with Skip. Now they want a bond reduction.

September 12, 1990

90

BY MR. SCHIEFER: Offer them half.

BY MR. EDSALL: And the other half when they complete it. It's \$15,000.

BY MR. SCHIEFER: \$7,500.

BY MR. VANLEEUEWEN: I make amotion that we reduce the bond to \$7,500.

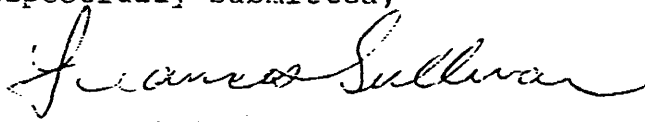
BY MR. SOUKUP: I will second it.

ROLL CALL:

| | |
|-------------|------|
| VanLeeuwen: | Aye. |
| McCarville: | No. |
| Soukup: | Aye. |
| Lander: | Aye. |
| Dubaldi: | No. |
| Schiefer: | Aye. |

Being that there was no further business to come before the Board, a motion was made to adjourn the meeting by Mr. VanLeeuwen, seconded by Mr. McCarville and approved by the Board.

Respectfully submitted,


Frances Sullivan,
Stenographer



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. MCGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

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(717) 296-2765

1 October 1990

MEMORANDUM

TO: Town of New Windsor Planning Board
Michael Babcock, Town Building Inspector
Larry Reis, Town Comptroller

FROM: Mark J. Edsall, P.E., Planning Board Engineer

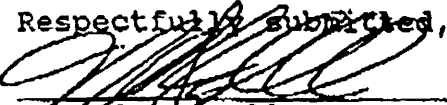
SUBJECT: OAKWOOD COMMERCIAL CENTER AMENDED SITE PLAN
PLANNING BOARD NUMBER 90-34
RELEASE OF SITE PLAN BOND

As was noted in my memorandum dated 28 September 1990, the subject site plan has been completed in accordance with the requirements set forth by the Planning Board. As such, and in accordance with the normal procedures of the Planning Board, it is my recommendation that the remainder of the site plan Performance Bond be released to the Applicant, once all review fees have been paid. This remaining amount is \$7,500.00.

The above was discussed with the Planning Board Attorney, Andrew Kreiger on 1 October 1990, at which time it was agreed that the Developer's Agreement did not preclude this normal procedure being followed.

If you have any questions concerning the above, please do not hesitate to contact the undersigned.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

cc: Andrew Kreiger, Planning Board Attorney

A:10-1-ME.mk

THE FOLLOWING MINUTES WERE TRANSCRIBED FROM A TAPE RECORDING
MADE OF THE JULY 3, 1990 SPECIAL MEETING.

TOWN OF NEW WINDSOR PLANNING BOARD

SPECIAL MEETING

July 3, 1990
6:30 P.M.

MEMBERS PRESENT: Carl Schiefer, Chairman
Vince Soukup
Ron Lander
Carmen Dubaldi
Henry Van Leeuwen

ALSO PRESENT: Mark Edsall, P.E., Planning Board Engineer
Andrew Krieger, Esq., Planning Board Attorney

OAKWOOD COMMERCIAL CENTER AMENDED SITE PLAN
APPLICATION #90

Bernard Kozykowski, R.A., Don Benvie of Tectonic Engineering,
Albert Klein and Leo Klein came before the Board representing
this proposal.

Mr. Scheifer: This is a special meeting being held regarding
the Certificates of Occupancy to be issued with regard
to the Oakwood Commercial building. The notice of this
meeting was posted on the Town bulletin board and all of
the Planning Board members have been notified. The only
subject that will be addressed this evening will be this
topic.

Because we do not have our secretary here, I would
request that anyone who has anything to say identify themselves
and try to speak one at a time, otherwise she is going
to have one heck of a time picking this thing up. Mark,
I'll turn it over to you.

Mr. Edsall: I'll just note that we met today at 1:30,
today is the third of July, 1990. We met at 1:30 today
with Bernie Kozykowski, Don Benvie, myself, Hank Van Leeuwen
and John McDonald the Fire Inspector, we reviewed the listing
in the Tectonic letter of 28 June, 1990. If you'd like,
what we can do is we can go through it one by one and note
what my recommendations to the Board would be and if you
want to get...

Mr. Schiefer: Why don't we do that.

Mr. Edsall: Get each one at a time, poll the Board and
see if they agree. Moving back to the Tectonic letter

of 28 June, first page, letter A, basically letter A and B address changes in the landscaping that were made, number one the existing conditions and number two I would say just for preference of how the owner preferred and the contractor preferred laying out the landscaping. Basically it notes that the 94 entrance will have landscaping on both sides of the entrance in lieu of medians in the parking area. My comment to the Board is that this more suits the fact that there is an existing tree out there and it opens up the parking spaces so I think it is more functional and I don't oppose it.

Mr. Schiefer: Does anyone on the Board have any objection? I think we've all been out there. I was down there this morning, I was down there this evening I was down there yesterday so if there's no opposition, we'll go on to the next one.

Mr. Edsall: The second, the westerly parking area had a planter midway or thereabouts, the landscaping has been moved in a northerly directly near the entrance. I again feel that it is more functional?

Mr. Schiefer: Any discussion, any objections from any of the Board members? By the way, you gentlemen want to make comments, feel free to as we hit these individual things.

Mr. Edsall: Next landscaping change was in the rear of the building around the very large, existing tree. That modification was agreed to in the field as a minor field change in the past by Mike Babcock and myself because it was found that the root system of the tree was large enough that the size planter shown on the original plan was insufficient. That change in effect was agreed as a field change which somewhat restricted the 30 foot fire lane. We in the past had contacted John Mc Donald who made a field visit and he accepted that as well so that's just now been added as a formality. That's been made in the field and we accept that as a field change.

Mr. Schiefer: I just wanted to establish that that's already been installed.

Mr. Edsall: Yes.

Mr. Schiefer: Any discussion?

Mr. Van Leeuwen: Yes. One thing should be done, the poison ivy should be taken out.

Mr. Kozykowski: Noted for the record. Incidentally, for the record I might add there was discussion relative to the walking passageway to the adjacent property and it was recommended that that be deleted from the...

Mr. Van Leeuwen: George and I were there yesterday and the people at Oakwood asked that that be removed because they're afraid kids are going to come in with skateboards and go down through there.

Mr. Kozykowski: We'd be more than happy to do that.

Mr. Van Leeuwen: The trees on one side and the other side there's just a hemlock sitting there. What should be done is that should be continued on with hemlocks because it's a nice spot for kids to go at it with skateboards.

Mr. Kozykowski: We'll close that off.

Mr. Edsall: So that's the passageway, just east of the large planter in the rear of the building.

Mr. Schiefer: Okay, now the applicant agrees to close that off? All right, there's no further discussion by the Planning Board, next item.

Mr. Edsall: Next item on the Tectonic letter was letter C which addressed the front parking area lighting to replace four lamps with two telephone type mounted telephone utility pole type spotlights. Replace the four lights with those two utility pole mounted lights. Personally, I believe that the four lights would be more uniform and secondly, rather than form a spotlight type approach would be site lighting, more uniform, would also provide for direct lighting to the main entrance and very likely would be less of a glare situation. So, my recommendation to the Board is to require that the lighting as originally proposed be required.

Mr. Schiefer: The applicant's current proposal are these two lights in the corner?

Mr. Edsall: Right.

Mr. Schiefer: Where were the other two lights?

Mr. Edsall: The four lights were not utility type, they were basically site lighting, private poles, four, two in the corners near where they are shown now in the proposal but in addition, two near the main entrance.

Mr. Benvie: There is an alternate to that. What we'd like to propose is to add I guess two lights at the entrance coming in as the original plan showed with the two in the corner to keep as pole mounted lamps from the Central Hudson type. Whereas, we would install two lights at the entrance coming in per the original plan then at two corners instead of having the site lighting have the pole mounted lamps as Central Hudson likes, the high sodium lamps which we had submitted a letter from Central Hudson indicating that their review of the project and their visit to the site that the lighting from the sodium lamp would provide good penetration, a large footprint, if you will, of the area so we think with that combined with going back to the two lights at the entrance would meet the Town's needs.

Mr. Schiefer: Any questions by the Planning Board members?

Mr. Van Leeuwen: Mark, do you agree with that?

Mr. Edsall: Well, as long as they agree that that will be subject to review that the fixtures that both are pointed at the entrance and the lights that are put in by Central Hudson are appropriate, that they have cutoff for glare to the adjoining residential areas.

Mr. Kozykowski: The way you might want to look at in addition to what's portrayed on the site plan, we do have lighting underneath the soffit of the building. You may, before you go as far as to involve yourself in the high liminaires, the fixtures for Central Hudson, you might want to take a look at the two fixtures that we've proposed at the entrance and working with those. They may suffice and they may be removed by the fact that there's a possibility of not needing those additional two fixtures. It may obviate the problems, where we might only need two with the building lighting we've got there right now.

Mr. Edsall: And eliminate the need for the Central Hudson poles entirely.

Mr. Kozykowski: Possibly yes, we might be able to eliminate them entirely, eliminate any type of neighborhood concern.

Mr. Edsall: I would suggest then that if it is acceptable with the Board that the Board approve basically that they will submit a lighting plan with Isolux curves just indicating that they had reasonable lighting for the site. I'd prefer not having large, Central Hudson type poles, I think it is going to ruin the aesthetics of what you've already paid to build which maybe it could be a negative effect.

Mr. Schiefer: Does anyone have any problem with Mark's proposal?

Mr. Van Leeuwen: No, not at all.

Mr. Edsall: Letter D of the Tectonic letter addresses the rear lighting which originally had lighting along the perimeter, they are now proposing wall mounted wallpack (phonetic) lighting and I think that's more efficient, more appropriate, gives lighting against the building so I would accept and recommend to the Board.

Mr. Soukup: As long as there's a downshield on it so that the lateral spread is reduced.

Mr. Edsall: The rear portion is against Oakwood and again that can be shown on the Isolux.

Mr. Soukup: It can be done with a vertical shield on the front.

Mr. Edsall: We can get an Isolux depicted on the plan for that as well.

Mr. Schiefer: Any discussion? Is that the entire lighting thing?

Mr. Edsall: That's the end of it.

Mr. Schiefer: Okay, next item.

Mr. Edsall: Letter E...

Mr. Van Leeuwen: Also, you can do that later I was going to say the agreed amount of money we can put on each one of those items for the bonding. We can do it at the end.

Mr. Edsall: I think we can work on it. Letter E goes into a planning strip along the easterly property line near the lands of Cappichioni rather than a continuous planter, they're proposing space planters with intermittently spaced hemlocks, I believe they are and again, I think provides the purpose of a continuous barrier that was shown so I don't see any problem with that.

Mr. Schiefer: Those are in, I saw them this evening, they are already installed. I have no problem with them. Anyone else? Go ahead.

Mr. Edsall: Letter F addresses the two to three foot landscape timber wall on the north property line required to accomodate a somewhat different topography than was originally understood to be on the site. That I think is aesthetically acceptable they've put the continuous planter. The only question that came up was that to eliminate the problem or possibility of vehicles running over that wall since it is a three foot drop we are recommending that they install wheelstops on the pavement of the parking lot on the north which is the parking lot of the apartment complex. Evidentially, the paving encroaches onto the commercial center's property, therefore they can install those on their own property as a barrier and a safety device.

Mr. Soukup: Either that or a wood timber guardrail.

Mr. Edsall: Either would be acceptable...

Mr. Soukup: Appearance wise and it would do the job.

Mr. Edsall: Your choice basically. G...

Mr. Soukup: Just a metter of your own safety so nobody comes sliding into you. I agree that the wall is aesthetically acceptable and the fact that it helps keep the light spread from going into the apartments.

Mr. Schiefer: Is there any disagreement from any of the Board members and the applicant agrees to this?

Mr. Klein: Yes sir.

Mr. Edsall: Letter G addresses the deletion of the curbing at the Oakwood entrance which was used to define the entrance and also to contain the planter which has been eliminated as part of the redesign of the landscaping. I have no objection to that. It seems to make the entrance more cleaner entrance for vehicle movement.

Mr. Soukup: The only problem I have with deleting that is I think originally it was put in there to protect the row of parked cars from the incoming cars at the entrance.

It sort of acted as a guide or a directional for incoming cars to get out of the way.

Mr. Edsall: The curb is still provided at the road of Oakwood but just doesn't extend into the site.

Mr. Soukup: Oh, okay, as long as the entrance curb...

Mr. Edsall: It still is. It's there now. Matter of fact, that sidewalk and curb inbetween the Oakwood Terrace housing and the Oakwood Commercial Center now is installed.

Mr. Schiefer: I'd like to add that Planning Board member Dan Mc Carville has arrived. Go ahead.

Mr. Edsall: Next item is letter H, the modification of the drainage to provide for a seepage pit arrangement under the catch basins and now an emergency overflow pipe which would discharge to the swale along Route 94, I have no objection to that.

Mr. Soukup: Are the seepage pits interconnected.

Mr. Edsall: Yes.

Mr. Benvie: The seepage trenches as a matter of fact. Our calculations for design of the seepage pits took into account not just the area for the seepage pits themselves for percolation but also the perimeter of the trenches that connect. All of the design is based on a five minute perc rate. We had actual perc rates but...

Mr. Soukup: But they are interconnected.

Mr. Benvie: They are interconnected, right.

Mr. Edsall: So if the perc doesn't work, it still can discharge to the swale where it was originally designed.

Mr. Schiefer: Does anyone have any objection? We have three engineers opinions and they all agree.

Mr. Edsall: That's rare. Next item, letter I, eliminates a trench drain at the Oakwood Terrace entrance which again was an agreed to field change because the grading was such that in fact the entrance elevation was higher than the interior paving elevation so the trench drain was not required. We agreed to the installation of a catch basin to the north side of that entrance in lieu of the trench drain. This is just a formality to accept it now.

Mr. Schiefer: Any questions or comments from the Board? Acceptable to the applicant I assume?

Mr. Edsall: Letter J eliminates the trench drain at Route 94 entrance and eliminates the swale the wrap wrap swale along DOT basically I made a review this afternoon and it appears that there is a paved swale in front of the curb line subject to the verification from DOT that they don't object to the applicant eliminating some high spots so that it does in fact drain, I would not object to the paved swale in lieu of the wrap wrap swale. It would mean that they would have to perform some additional work in the DOT right-of-way but they have an active permit, I'm sure that can be worked out.

Mr. Schiefer: Any questions from the Board members? Next item.

Mr. Edsall: Letter K increases the concrete sidewalk from four feet to five feet along Oakwood Terrace however it should be noted that in fact the reason the increase is that the grass median has been eliminated. One of the negative aspects is at this point, a vehicle could pull up and the bumper would overhang part of the sidewalk. I have no problem with what they are doing, except that we should require wheelstops along that run so that the cars' bumpers will not extend over the Town sidewalk.

Mr. Benvie: We confirm with that.

Mr. Soukup: The only problem I have with that is the question of driver visibility. I was afraid when I saw it there wasn't enough physical feature for a driver to perhaps see it and that there might be people running over it not knowing that it is there. You almost need something vertical to separate it, to provide distinction to it. Maybe instead of wheelstops, the timber guardrail on the inside face of it might be appropriate to add with reflectors on the back face facing the Oakwood Terrace. I just don't think there's enough physical features to make people know that the six inch reveal sidewalk is there.

Mr. Lander: Is there any handicapped signs on that?

Mr. Edsall: There's two handicapped spaces and they will require signs along the sidewalk of Oakwood Terrace, the Town Road.

Mr. Kozykowski: Would it be reasonable to presume if we were to perhaps reposition the handicapped to either end they might get the message that it is there.

Mr. Soukup: When you are riding by or turning into that entrance, you've only got that five foot six inch high concrete slab. I was just concerned people would run over it, not knowing there's a raised sidewalk there. Not enough distinction, there's no planter, no landscaping, perhaps the wooden guardrail might be better than wheelstops.

Mr. Kozykowski: Okay, let's see what we can work out.

Mr. Edsall: If you do in fact construct a wooden bumper guard or bumper rail along the housing area, you can architecturally probably tie this into it and it would probably look nice. Do you want to see if the Board concurs with that?

Mr. Schiefer: Does the Board concur as long as there is some method to keep the cars in?

Mr. Edsall: I sense that the Board prefers the vertical barrier rather than just wheelstops so I think that's the direction we are headed.

Mr. Schiefer: Any challenge? Okay, next item.

Mr. Edsall: Next one and most interesting is the treatment of the rear of the building as far as finish that I'll pass it over the Chairman as to who he wants to address the issue because I think it is an issue that addresses the needs of separation of the adjoining residential lot.

Mr. Schiefer: Mr. Van Leeuwen: You've made some comments on that one, would you care to make a statement?

Mr. Van Leeuwen: My suggestion this afternoon was that they have aluminum siding on the side and some in the front and colored a dark brown. Part of the block is like an eight inch square block. Part of that is a face block on the bottom. If they took three or four rows of the face block, if they went from that point right to the top and covered it over with brown aluminum siding, painted the doors the same color or a color close to it, I think it would make the back end look better than it does now. The barrier that you are putting up to protect the air conditioners, those air conditioners should be on a pad too by the way, you know what they are doing, they're already sinking into the blacktop. They should be on a pad.

Mr. Schiefer: The yellow pipes have been installed, they are painted yellow, the last ones are being done this

evening so they are visible and there is a degree of protection been installed to the air conditioners. It's been done, putting them on pads would have been nice, but this is one way of handling it.

Mr. Van Leeuwen: All they've got to do is lift the air conditioner up and put a sheet underneath it.

Mr. Edsall: They make prefabricated pads too, so you can pick them up.

Mr. Benvie: We concur with the Board's recommendation regarding the treatment of the rear wall and also we are concerned about the air conditioners.

Mr. Soukup: The only other thing on the rear wall in my observation I noticed that the number of meters, gas meters and electric meters are all stacked on the back, if you could enclose those in a shallow cabinet or other kind of grid work or panel work to screen them from the back I think that would be helpful too. Just box out and make a very shallow cabinet on it, probably easier for you to try and do the siding around them than try and go back.

Mr. Kozykowski: The only reservation I might have would be if there's a restriction as far as the power company is concerned to whether or not we can do any.

Mr. Soukup: There's an open grid separate panel.

Mr. Schiefer: Obviously anything we ask you to do will have to be acceptable to Central Hudson.

Mr. Soukup: It is a matter of screening, not security, not locking it up, screening.

Mr. Mc Carville: A question on those gas meters, do they receive the protective covers as well?

Mr. Kozykowski: Yes.

Mr. Edsall: Mr. Chairman, if we could proceed with the next one which basically acknowledges that during the meeting of the consultants this afternoon, we attempted to establish reasonable value for the non-completed work in an effort that in accordance with the Town law a bond could be posted to guarantee completing on non-completed site improvements.

Mr. Schiefer: Before we get into that, just a formality, do any of the Board members have any objection to the aesthetic

treatment of the back and then what they have agreed to do with the air conditioner? We are all agreed on that?

Mr. Van Leeuwen: Also the garbage dumpster.

Mr. Edsall: Yes. Matter of fact, what I am going to do is I am going to go over items which are not completed which are not necessarily changed. We've identified that in fact there is a possibility that certain sidewalk repairs will need to be made because the actual construction of the sidewalk in the Town right-of-way doesn't comply with the standard requirements of the Town of New Windsor and unfortunately, the contractor didn't advise anyone when he put it in so we didn't know how he was putting it in. If the Highway Superintendent accepts it, so be it, you don't have to worry about it. If he doesn't, we're allowing for some money to make some modifications if necessary. We are hoping that he accepts it so you don't have to worry about it. Also, the rear building finish, we've assigned a number for the dumpster to the east of the site, it requires an enclosure which has not been constructed as of yet. Hank, maybe you want to do over the discussions as far as type.

Mr. Van Leeuwen: As far as the plans, we wanted to enclose the roof and the structure so papers and stuff don't get out, you know what people do when they rent, they throw garbage bags in there, they throw loose paper and then you have the wind that blows it all next to Cappichioni and blows everywhere. This way if its a roof structure, it can be aired, no problem as long as the papers can't get out, as far as I'm concerned. I'm only one member.

Mr. Kozykowski: The one thing that was brought to our attention after our meeting this afternoon that may have some substance to it, the garbage trucks when they come to pick up the dumpsters, depending upon the type of dumpsters thats there, they may not be able to have that piece of equipment rolled out, they may back up directly to it. And if there were a roof on it, we might have a problem. We may have to do a little research on that. Let me suggest that it be worked out.

Mr. Van Leeuwen: Let me say something to you. If you get the skid type, you get no top cover on it at all. What you should do is request a roll type, you can roll them right in and roll them right out. And that's the type you should have in there. That way, if one is full, they can roll it out and put the other one in the back. But the five yard buckets, do not have covers on them because I have them and I'll tell you, it's a pain in the neck. You have the problem of maintenance and we have the problem of sending someone out from the Town to pick the papers

and everything. That's what we are trying to prevent.

Mr. Edsall: Just to acknowledge one thing that was discussed at the consultants' meeting this afternoon with the fire inspector or assistant fire inspector, John Mc Donald present there is a possibility that there may not be an acceptable way to cover and still meet State building code as far as a covered enclosure for refuse so as long as we are able to work it out with John and obtain a permit and not violate any code that's fine. The State Building Code requires noncombustible materials over the enclosure. This was discovered during the enclosures of Washington Green. It is difficult to do so if they make a valiant effort to try and it's determined that there is no reasonable way to do it I think the Board shouldn't require that it's done if doesn't meet code.

Mr. Schiefer: Again, if we are violating any codes, we are not going to ask to have anything done that will do that. If the fire department or fire inspector has any problem with it and there is no other way around that, I'm willing to let it go. However, I would like you to look into it and see if you can do it. I've seen two reasons how why maybe you can't but at least address it and try to resolve it.

Mr. Van Leeuwen: It can be addressed, I know it can. They can put some sort of a grid, it doesn't have to be a roof, but some kind of a grid over it to hold the paper and everything.

Mr. Lander: The floor for this enclosure, is it going to be blacktopped, if you are going to skid those dumpsters in and out of there, it's never going to stay.

Mr. Edsall: Concrete base for this?

Mr. Lander: Blacktop won't make it.

Mr. Van Leeuwen: Its blacktopped now.

Mr. Edsall: You may want to put a concrete pad in.

Mr. Lander: Just tear the blacktop up. Once water gets underneath it, then the rest of the pavement goes. Also, what is the outside of this enclosure going to be made out of? Stockade fence doesn't last very long.

Mr. Van Leeuwen: No, it's got to be a building type.

Mr. Kozykowski: We have planters presently surrounding

the dumpster area and they are about waist height. One of the things that we discussed the possibility of this afternoon and I think it may lend a certain sense of permanence may address some of the concerns relative to fire protection and so forth with a small amount of work involved, building an entire containment structure out of chainlink fence and including the top though which we may not be able to cover that, at least we can have a containment aspect of the chainlink structure itself. And on the sides of course we would put the metal or vinyl slatting to compliment the architecture of the building.

Mr. Lander: Normally, we want the enclosure to be the same type as the building. If the building was block then naturally you'd have block.

Mr. Van Leeuwen: You know what they might be able to do, put chainlink fence and put some of that aluminum on top. I think we can leave that up to the building inspector and our engineer to check that over.

Mr. Schiefer: Any further discussion?

Mr. Van Leeuwen: They have an idea what we want.

Mr. Schiefer: It will be addressed.

Mr. Edsall: Some of the other items that were identified as non-completed obviously the drainage improvements, the lighting, the parking lot striping and the four handicapped signs in accordance with ANSI standards and the bumpers or bumper guardrail as it may be as was previously discussed. The total amount that was agreed to subject to the Board's acceptance for addressing all these items was \$15,000.

Mr. Schiefer: Was there one item in there that we said was already done?

Mr. Edsall: Certain items such as the sidewalk are done but are subject to the highway superintendant's review again. This is an escrow amount, it can be just as quickly released as it can be required again subject to certain other person's approvals, this just expedites the ability to give a C.O.

Mr. Schiefer: Mark has said and I've been told previously, the applicant agreed to that amount?

Mr. Klein: Yes sir.

Mr. Schiefer: Anyone on the Board have any questions on

it? The detail breakdown is here.

Mr. Edsall: Again noting that this was a number that was discussed between the applicant's representative and ourselves and is set and again will be released.

Mr. Schiefer: Any other questions on this?

Mr. Edsall: That's all I have. Everything else seems to be addressed. I would suggest that the Planning Board require an amended plan reflecting some of these items that have been modified at the meeting which can be then stamped.

Mr. Schiefer: Can you submit a plan?

Mr. Klein: Okay.

Mr. Schiefer: Andy, do you want to go into your part of it here?

Mr. Krieger: I was asked at the end of the meeting to review the fact that there would not be stenographic minutes here to prepare an agreement to act as an umbrella to this which I have done previous to our coming in here today and everybody has seen a draft except Mr. Mc Carville and I'll hand you a draft so you can look at it, I've provided a copy for the applicant. There was a suggestion that I draw it up, the cost of which is to be borne by the developer and I would ask at this point from the Board members their comments

Mr. Schiefer: It does not go into specifics. It refers to items that are agreed to but does not identify them nor does it identify the amount. I asked that question earlier.

Mr. Krieger: And I answered that question by saying hey, I had no way of knowing this afternoon specifically what items would be covered and even had I been able to foresee this conversation, there are a number of items that you've left up anyway to the discretion of the engineer and the building inspector as they go along I would suggest that specifically enumerating the items was not possible and perhaps not advisable.

Mr. Schiefer: Has the applicant seen this agreement?

Mr. Klein: Yes.

Mr. Van Leeuwen: Any problem on your part?

Mr. Benvie: The only two I guess questions that I had one of them was just clarify for the most part the modifications to the site plan as directed by the Board includes those items that we talked about here tonight. I presume those are the items.

Mr. Krieger: Yes, it would be limited to those items and and again was designed to have a continuing life because I view this as not a one shot deal but you are going to go in and do some other things and come back and say well, does that comply. It is a whittling down process.

Mr. Benvie: Okay, the only other thing was the certificate of occupancy for a portion of the premise, I presume that to be the three premises that are in there now.

Mr. Kozykowski: Obviously, one of the important aspects of this meeting was the certificates of occupancy for the three tenants on the premises provided that we meet our obligations.

Mr. Van Leeuwen: Has the applicant in fact filed an application?

Mr. Kozykowski: Yes, I understand they have.

Mr. Schiefer: Okay, Andy?

Mr. Krieger: I was given and have in my possession now, a signed certificate of occupancy for the ice cream store. There was some confusion that as it occurred to me as to whether it should be for the ice cream store and the other two stores and just that and there was an absence of communication. I would suggest to the Board that he may want to delineate that if in fact you instruct my at the end of this meeting to hand over the C.O. that I have and if it is your desire, and it may not be, if it is your desire for the C.O. to be issued for the other two stores, that can be accomplished as soon as the Town Hall opens for business. And by making a record of it at this point, the applicant would be protected if those two tenants should go in over the holiday and work they would have some protection. I was advised by John Mc Donald today on the other two.

Mr. Schiefer: Does anyone have any problem if this applies to the three current occupants provided there are no violations as Mr. Soukup pointed out, rather than just the one store, it will cover all three. One will be turned over this evening, the other two as soon as Town Hall opens up Thursday morning. Any objections?

Mr. Van Leeuwen: Both Klein brothers agree to it.

Mr. Schiefer: If it is unanimous, they we'll accept it as that. There's one issued immediately that Mr. Krieger will turn over, the others will be Thursday morning as soon as possible.

Mr. Van Leeuwen: The other matter left open we have to get the check.

Mr. Krieger: No, you have two. You have to sign the agreements and I have a bill that I have to render.

Mr. Mc Carville: I make a motion that the Planning Board of the Town of New Windsor authorize the Chairman to sign the agreement.

Mr. Van Leeuwen: I'll second that motion.

Mr. Schiefer: Motion has been made and seconded that we sign, the Planning Board sign this agreement.

Mr. Van Leeuwen: That the Chairman signs it.

Mr. Schiefer: On behalf of the Planning Board, not the Town. Any discussion, any questions?

ROLL CALL

| | |
|-----------------|-----|
| Mr. Van Leeuwen | Aye |
| Mr. Dubaldi | Aye |
| Mr. Soukup | Aye |
| Mr. Lander | Aye |
| Mr. Mc Carville | Aye |
| Mr. Schiefer | Aye |

Mr. Schiefer: Now, the item of the check.

Mr. Edsall: The bond amount was established, was proposed by the applicant's engineer as \$15,000 and I concur with that number being utilized. You may want to make a motion on accepting that amount.

Mr. Van Leeuwen: I'll make a motion to accept the \$15,000 bound.

Mr. Mc Carville: I'll second that.

Mr. Schiefer: Motion has been made and seconded to accept the \$15,000 bond to cover the incompleted items on this site plan. Any discussion?

ROLL CALL

| | |
|-----------------|-----|
| Mr. Van Leeuwen | Aye |
| Mr. Dubaldi | Aye |
| Mr. Soukup | Aye |
| Mr. Lander | Aye |
| Mr. Mc Carville | Aye |
| Mr. Schiefer | Aye |

Mr. Soukup: And all the actions will be subject to the minutes of tonight's meeting and the changes and modifications to the site plan being submitted.

Mr. Edsall: You are going to need a motion to approve the amended site plan, conditionally approve the amended site plan according to all the minutes from tonight.

Mr. Mc Carville: Should we take, does that require a revised negative dec, SEQRA?

Mr. Edsall: I think what you should do is agree that in fact the changes do not negate your previous SEQRA review and that you don't need to take further action.

Mr. Mc Carville: I so move.

Mr. Van Leeuwen: I will second that.

Mr. Schiefer: Any discussion, if not we will vote on it.

ROLL CALL

| | |
|-----------------|-----|
| Mr. Van Leeuwen | Aye |
| Mr. Dubaldi | Aye |
| Mr. Soukup | Aye |
| Mr. Lander | Aye |
| Mr. Mc Carville | Aye |
| Mr. Schiefer | Aye |

Mr. Van Leeuwen: I make a motion we give the amended site plan conditional approval regarding the three units.

Mr. Dubaldi: I'll second that.

Mr. Van Leeuwen: No, I'm sorry, the entire site.

Mr. Soukup: Restate the motion.

Mr. Van Leeuwen: I will make a motion to give conditional approval to the amended site plan.

Mr. Krieger: On the conditions stated in the record.

Mr. Van Leeuwen: On the conditions stated in the record.

Mr. Dubaldi: I'll second that.

Mr. Kozykowski: Presuming that we will meet the obligations of the stipulations, there's no further need upon review by the engineer and the building inspector for us to come back before the Planning Board.

Mr. Schiefer: Unless there's a problem, I see none.

Mr. Van Leeuwen: Unless there's a problem. If the building inspector refers you back to us then you have to come back. You know tomorrow's a holiday and we're sitting here at 7:00.

ROLL CALL

| | |
|-----------------|-----|
| Mr. Van Leeuwen | Aye |
| Mr. Dubaldi | Aye |
| Mr. Soukup | Aye |
| Mr. Lander | Aye |
| Mr. Mc Carville | Aye |
| Mr. Schiefer | Aye |

Mr. Klein: I'd like to say one thing tonight, thank you everyone and now I feel that you're much of a help to us and I hope for the future too.

Mr. Schiefer: Thank you.

Being that there was no further business to come before the Board, a motion was made to adjourn the meeting by Mr. Mc Carville, seconded by Mr. Dubaldi and approved by the Board.

Respectfully Submitted By:


Frances Sullivan
Stenographer

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 26 September 1990

SUBJECT: Oakwood Commercial Center
Curb Cuts

PLANNING BOARD REFERENCE NUMBER: PB
DATED:

FIRE PREVENTION REFERENCE NUMBER: FPS-90-084

According to the paper received by this office on 26 September 1990, the curb cut of 26 feet is acceptable to DOT .

This is acceptable to this office.

Robert F. Rodgers
Robert F. Rodgers; CFA
Fire Inspector

RR:mr
Att.

✓
CC:M.E.

8-24-90

To: whom it may Concern;

From: Don Groene CEI

Subject: Access & Drainage
Route 94 Commercial Center
Town of New Windsor

The Driveway and Drainage is
Acceptable to our standards.

The Driveway was modified under
direction of my co worker Mr. W. Elgee CEI
from 30' ft to 26' ft \pm 8/16/90 D.G.
If you have any question Please feel
free to call me. at 562 4094



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

September 17, 1990

Town of New Windsor Comptroller
555 Union Ave.
New Windsor, NY 12553

ATTENTION: LARRY REIS, COMPTROLLER

SUBJECT: SITE PLAN BOND REDUCTION FOR OAKWOOD COMM. CTR.

Dear Larry:

The Town of New Windsor is in receipt of a site plan bond in the amount of \$15,000.00 from K & K Management for the above project.

At the September 12, 1990 Planning Board meeting, the Board agreed to reduce the bond to the amount of \$7,500.00. By copy of this letter, please issue a check in the amount of \$7,500.00 to:

K & K Management Corp.
One Freeland Street
Monroe, NY 10950

If you have any questions in the above matter, please contact the undersigned.

Very truly yours,

Andrew Krieger, Atty.
Andrew Krieger, P.B. Attorney

MLM

cc: Mark Edsall, P.E., P.B. Engineer
~~P.B. File #90-34~~

JUN 29 1990

90-34

Orig

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.,
D.O.T., O.C.H., O.C.P., D.P.W., WATER, ~~SEWER~~, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval _____ ✓
Subdivision _____ as submitted by
_____ for the building or subdivision of
OAKWOOD COMMERCIAL has been
reviewed by me and is approved _____ ✓
disapproved _____ :

If disapproved, please list reason _____

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

John P. Egan
SANITARY SUPERINTENDENT

9-4-90

DATE

✓
CC: M.E.

AGREEMENT

THIS AGREEMENT , made this 3rd day of July , 1990
BY AND BETWEEN: LEON KLEIN, d/b/a K&k Management One Freeland
Street, Monroe, NY 10950 (hereinafter known as KLEIN) and
Planning Board, Town of New Windsor (hereinafter known as BOARD)

WITNESSETH:

WHEREAS, the BOARD previously granted site plan
approval for Oakwood Commercial Center, its owner of record Klein:
and

WHEREAS, KLEIN has built and wishes to complete the
aforesaid project in a manner different from at variance from the
site plan as previously approved by the BOARD, and

WHEREAS, KLEIN recognizes that no Certificate of
Occupancy can or will be issued by the Town of New Windsor unless
and until the project complies with the site plan as approved by
the BOARD, and

WHEREAS, KLEIN recognizes that the Project does not
now conform with or comply to said site Plan; and

WHEREAS, KLEIN has filed an application for amendment
to that site Plan for approval of certain variations and
deviations from the presently approved site and

WHEREAS, KLEIN wishes to have a Certificate of
Occupancy issued by the Town of New Windsor for occupancy of a
portion of the completed structure and

WHEREAS, the BOARD finds that the deviations and
variations from the approved Site Plan may be able to be approved
and/or modified to become acceptable to the BOARD and the Town of
New Windsor, and

WHEREAS, the BOARD finds that it is in the best
interests of it and the Town of New Windsor that a Certificate of
Occupancy be issued for a portion of the Premises subject to
KLEIN completing the project in accordance with the Site Plan as
approved or as modified or amended by the BOARD.

NOW, THEREFORE, in consideration of the promises and
mutual covenants hereinafter contained the parties hereto for
themselves, their heirs, successors and assigns do mutually agree
as follows:

L.K.
005

1. KLEIN will complete all modifications to the Site Plans as directed by the BOARD in a good and workmanlike manner within thirty days of the approval of such modifications by the BOARD.

2. No additional Certificates of Occupancy will be issued until the project as built fully complies with the Site Plan and any amendments thereto as approved by the BOARD.

3. KLEIN will post a cash Bond or deposit . It shall be in an amount as determined by the BOARD. If the Project does not conform to the Site Plan and any amendments thereto within thirty days of the approval of such amendments the Town of New Windsor may take and seize such cash which shall be forfeit by KLEIN at the sole election of the Town. The Town is not required to give to Klein any prior notice of such seizure. Thereafter, the Town shall complete the project within the time and in the manner it determines. If the amount of such cash, bond or deposit is insufficient to reimburse the Town of New Windsor, for the cost of completion of the project including any and all ancillary fees and expenses incurred by said Town, KLEIN shall be liable to the Town for any additional monies needed in order to complete the project.

4. No Certificate of Occupancy shall be issued by the Town of New Windsor if the Bond or Deposit is forfeited to it until the project actually complies with the Site Planned and amendments thereto as approved by the BOARD.

5. KLEIN shall not be entitled to receive at anytime interest on said cash bond or deposit specified herein, regardless of how long said cash is held by the Town of New Windsor.

6. KLEIN shall remain personally responsible for maintaining said project in a safe and proper manner and in compliance with the Site Plan and any amendments thereto.

7. KLEIN by executing this agreement waves any right to contest in any court any rule, regulation or provision in effect as of the date of the signing of this agreement or any present ordinance of the Town of New Windsor, exclusive of any interpretation thereof. KLEIN also agrees to bear reasonable cost of defending any litigation instituted by third persons against the Town or BOARD challenging this agreement or municipal approvals represented by this agreement. Upon institution of any such lawsuit KLEIN shall post a cash escrow sufficient to cover the cost of such litigation.

8. This agreement shall be binding upon the Heirs, successors and assigns of the respected parties hereto.

089 L.K.

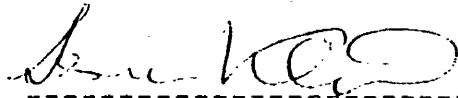
9. Should it become necessary for the Town or the Planning Board to institute an action to enforce the terms of this agreement if of any ordinance or of any condition of any approval heretofore or hereafter granted to KLEIN in connection herewith, the Town or the BOARD as the case may be, shall be entitled to recover its reasonable counsel fees and costs in connection therewith if it prevails in said litigation.

IN WITNESS WHEREOF, the said parties have herewith set their hands and seals or cause these presents to be signed by their proper corporate officers and the corporate seal to be hereunto affixed.

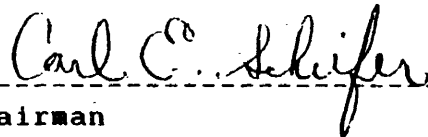
witness:




Planning Board





LEON KLEIN d/b/a K&K Mngmt.



Chairman

| | | | | | | | |
|----------------------------|--|---|--|---------------------|--|------------------------|--|
| 42597116324 | | 900703 | | 109500 | | 2600*00 | |
| SERIAL NUMBER | | YEAR MONTH DAY | | POST OFFICE | | U.S. DOLLARS AND CENTS | |
| PAY TO <u>TOWN OF N.W.</u> | |  | | PURCHASER | | | |
| STREET | | STREET | | CITY | | CITY | |
| CITY | | STATE | | ZIP | | STATE | |
| CITY | | STATE | | ZIP | | STATE | |
| MONEY ORDER | | | | COD NO. OR USED FOR | | | |
| ⑈000008002⑈ | | | | 42597116324⑈ | | | |

| | | | | | | | |
|----------------------------|--|---|--|---------------------|--|------------------------|--|
| 42597116267 | | 900703 | | 109500 | | 2700*00 | |
| SERIAL NUMBER | | YEAR MONTH DAY | | POST OFFICE | | U.S. DOLLARS AND CENTS | |
| PAY TO <u>TOWN OF N.W.</u> | |  | | PURCHASER | | | |
| STREET | | STREET | | CITY | | CITY | |
| CITY | | STATE | | ZIP | | STATE | |
| CITY | | STATE | | ZIP | | STATE | |
| MONEY ORDER | | | | COD NO. OR USED FOR | | | |
| ⑈000008002⑈ | | | | 42597116267⑈ | | | |

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|----------------------------|--|---|--|---------------------|--|------------------------|--|
| 42597116256 | | 900703 | | 109500 | | 700*00 | |
| SERIAL NUMBER | | YEAR MONTH DAY | | POST OFFICE | | U.S. DOLLARS AND CENTS | |
| PAY TO <u>TOWN OF N.W.</u> | |  | | PURCHASER | | | |
| STREET | | STREET | | CITY | | CITY | |
| CITY | | STATE | | ZIP | | STATE | |
| CITY | | STATE | | ZIP | | STATE | |
| MONEY ORDER | | | | COD NO. OR USED FOR | | | |
| ⑈000008002⑈ | | | | 42597116256⑈ | | | |


Received - a total of \$150.00
 7/5/90
 Lawrence Klein, Comptroller

42597116278

900703

109500

700*00

| SERIAL NUMBER | | YEAR MONTH DAY | | POST OFFICE | | U.S. DOLLARS AND CENTS | |
|---------------|--------------|----------------|------|---|-----|------------------------|--|
| PAY TO | TOWN OF N.W. | | |  | | PURCHASER | |
| STREET | | | | STREET | | | |
| CITY | STATE | ZIP | CITY | STATE | ZIP | | |
| MONEY ORDER | | | | COD NO. OR USED FOR | | | |

⑆000008002⑆

42597116278⑈


UNITED STATES OF AMERICA POSTAL MONEY ORDER

42597116280

900703

109500

700*00

| SERIAL NUMBER | | YEAR MONTH DAY | | POST OFFICE | | U.S. DOLLARS AND CENTS | |
|---------------|--------------|----------------|------|---|-----|------------------------|--|
| PAY TO | TOWN OF N.W. | | |  | | PURCHASER | |
| STREET | | | | STREET | | | |
| CITY | STATE | ZIP | CITY | STATE | ZIP | | |
| MONEY ORDER | | | | COD NO. OR USED FOR | | | |

⑆000008002⑆

42597116280⑈

FACTORY DIRECT
HANDOVER

MEMBER OF THE FIRST NATIONAL BANK

7790899

95052914

PAY

DATE 7/13/90

TO THE ORDER OF Arnold Klein

\$9,500.00

OFFICIAL CHECK

AUTHORIZED SIGNATURE

Samuel R. Mitchell, A.V.P.

⑈ 7790899 ⑈ ⑆ 021000306 ⑆ 0000 0 0208 1 ⑈

42597116313 900703 109500

U.S. POSTAGE 2700 \$00

SERIAL NUMBER YEAR MONTH DAY POST OFFICE U.S. DOLLARS AND CENTS

PAY TO TOWN OF N.W.

STREET CITY STATE ZIP

PURCHASER STREET CITY STATE ZIP

MONEY ORDER

COO NO. OR USED FOR

⑆ 000008002 ⑆ 42597116313 ⑈

Received - a total
of \$9,500.00
7/15/90

22-15,000
toll

| | | | | | | | | | |
|---------------|--|----------------|--|--------------|--|------------------------|--|--------|--|
| 42597116302 | | | | 900703 | | 109500 | | 700*00 | |
| SERIAL NUMBER | | YEAR MONTH DAY | | POST OFFICE | | U.S. DOLLARS AND CENTS | | | |
| PAY TO | | TOWN OF N.W. | | | | PURCHASER | | | |
| STREET | | | | STREET | | | | | |
| CITY | | STATE ZIP | | CITY | | STATE | | ZIP | |
| MONEY ORDER | | | | | | COD NO. OR USED FOR | | | |
| ⑆000008002⑆ | | | | 42597116302⑆ | | | | | |

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|---------------|--|----------------|--|--------------|--|------------------------|--|--------|--|
| 42597116291 | | | | 900703 | | 109500 | | 700*00 | |
| SERIAL NUMBER | | YEAR MONTH DAY | | POST OFFICE | | U.S. DOLLARS AND CENTS | | | |
| PAY TO | | TOWN OF N.W. | | | | PURCHASER | | | |
| STREET | | | | STREET | | | | | |
| CITY | | STATE ZIP | | CITY | | STATE | | ZIP | |
| MONEY ORDER | | | | | | COD NO. OR USED FOR | | | |
| ⑆000008002⑆ | | | | 42597116291⑆ | | | | | |



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
400 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

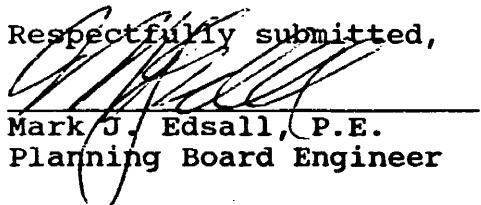
30 August 1990

MEMORANDUM FOR RECORD

**SUBJECT: OAKWOOD COMMERCIAL CENTER AMENDED SITE PLAN
NEW WINDSOR PLANNING BOARD (90-34)**

On 28 August 1990 I made a follow-up visit to the subject site to review the completion status of the work which was previously either uncompleted or unacceptable relative to the subject approved site plan. I observed that no concrete dumpster pad had been installed, nor had the handicapped signs been relocated. Based on my observations, no additional work has been performed. I will continue to await completion of same, such that I can advise the Planning Board accordingly.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

cc: Carl Schiefer, Planning Board Chairman
Michael Babcock, Building Inspector

A:8-30-3ME.mk

JUN 29 1990

90 - 34

Orig

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.,
D.O.T., O.C.H., O.C.P., D.P.W., ~~WATER~~, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by
Peter Papay-Tectonic for the building or subdivision of
Catwood Commercial Center _____ has been

reviewed by me and is approved _____,

disapproved ☒ _____ :

If disapproved, please list reason _____

Inspections have been made but owners have
not paid inspection fee -

HIGHWAY SUPERINTENDENT

Steve Di Dio

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

CC: H.E.

JUN 29 1990

90-34

orig

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, ~~SAFETY INSPECTOR~~,
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval ☒

Subdivision _____ as submitted by
Tectonic for the building or subdivision of
Oakwood Commercial Center has been
reviewed by me and is approved _____,
disapproved ☒ _____.

If disapproved, please list reason _____

Does not indicate Sewage disposal

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Lyman D. Masten
SANITARY SUPERINTENDENT

July 10, 1990
DATE

CC:H.E.

OAKWC.PB

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 11 July 1990
SUBJECT: Oakwood Commercial Center

PLANNING BOARD REFERENCE NUMBER: PB-90-34
DATED: 29 June 1990

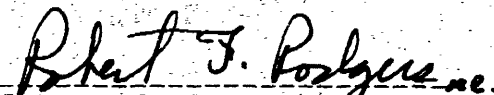
FIRE PREVENTION REFERENCE NUMBER: FPS-90-065

This "As Built Site Plan" does not conform to the previously approved site plan as reviewed on 23 May 1989, with a fire prevention reference number of FPS-89-051.

The entrance driveway in the previously approved site plan was thirty (30) feet wide, from Route 94. The entrance drive on this site plan shows twenty-five (25) feet.

This site plan is rejected.

PLANS DATED: 26 June 1990.


Robert F. Rodgers; CCA
Fire Inspector

RR:mr
Att.

✓
CC:H.E.

Oakwood Terrace Housing Corp.

40 Oakwood Terrace
New Windsor, New York 12550

Telephone 914 — 582-7060

June 27, 1990

Mr. Carl Scheifer
Chairman Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, N.Y. 12553

Dear Sir:

I am contacting you on behalf of the Board of Directors of Oakwood Apartments relative to the Oakwood Shopping Complex.

Oakwood is cooperatively owned and has 126 share holder families.

Representatives of the Oakwood Board appeared at the public hearing for the plaza and reviewed the proposed site plan.

The plan at that time did not show a difference in elevation between the commercial parking area and Oakwood's parking area.

As built there is a 24" to 30" difference, with a retaining wall supporting the Oakwood property.

One problem is that at this time the relatively young plantings do not afford a safe barrier between the properties. Unknowingly someone walking from Oakwood could step off the retaining wall thinking that the properties were on the same level.

This might be overcome by solid planting rather than a fence.

Secondly, the edge of the Oakwood pavement adjacent to the wall shows signs of breaking off. I believe that this will accelerate in time, and is caused by inadequate care on the part of the developer.

Oakwood Terrace Housing Corp.

40 Oakwood Terrace
New Windsor, New York 12550

Telephone 914 — 582-7080

Page 2

Also the Board does not feel it should have to install concrete car bumpers at Oakwood's expense, however without bumpers a car could go over the wall. Had the paved area been on the same level this hazard would not exist.

Thank you for your past concern for the residents.

I'm sure you will address these concerns as well.

Respectfully,

Gerald Kreisberg

Gerald Kreisberg
Managing Agent

GK:pd

CC: Michael Babcock, ✓
Building Inspector



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

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- ☐ **Branch Office**
400 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765
(914) 856-5600

20 June 1990

MEMORANDUM FOR RECORD

**SUBJECT: OAKWOOD COMMERCIAL CENTER SITE PLAN
NEW WINDSOR PLANNING BOARD NUMBER 89-20**

On 19 June 1990 the undersigned and Mike Babcock visited the subject site to review completion status of the site plan work. First, it should be noted that three (3) areas of change were discussed at a previous field meeting. These minor field changes were as follows:

1. Enlargement of the rear planting area near the large (existing) tree so as not to cause damage to the tree. This resulted in an encroachment into the fire lane in the rear, which was discussed with John McDonald in the field and approved by him.
2. The drainage at the entrance onto Oakwood Terrace was changed, eliminating the trench drain and providing for a single catch basin in the rear parking area. Paving grades were to be revised so as to allow Oakwood Terrace drainage to continue along the Town road and collect internal drainage in the single catch basin.
3. The building had added an extended overhang on the front of the building so as to provide cover for the concrete walkway. This change was also approved by John McDonald.

In addition to those revisions as noted above, the Contractor has made numerous changes in the field, evidently without prior review or submission of a new plan. The observed changes, in general, are as follows:

1. Planters throughout the parking lot are being re-located, "split-up", and generally re-shaped. The Contractor indicates that the same square footage of planter will be provided and necessary spacings maintained. This needs to be seen prior to acceptance of the completed work.

20 June 1990

MEMORANDUM FOR RECORD

-2-

2. The majority of the plantings along the building face (front and side) have been deleted.
3. The sidewalk in front of the building has been increased from 4' to 5' width and sidewalks have been added to each end (side) of the building.
4. The drainage configuration has changed to provide for a seepage type arrangement, without outlet discharge onto the roadway swale of Route 94. Further, the rip-rap drainage swale indicated for the entire length of the project (along Route 94) has not been completed and the Contractor indicates that same was deleted. The Contractor was advised that this would require approval from the New York State Department of Transportation (and possibly the Planning Board).
5. The sidewalk along Oakwood Terrace has been constructed against the existing curb of Oakwood Terrace and no grass median exists on either side; parking lot pavement is now directly against the Town sidewalk. Wheel stops will be required to insure that bumper overhang onto the Town sidewalk does not occur. (This construction requires Skip Fayon's approval.)
6. The main entrance onto Route 94 has been constructed without a curb as indicated on the plan; the Contractor indicates that same is to be installed. He has been advised that the DOT regulations do not permit for greater than a 30' curb cut. Any work will be subject to DOT approval.
7. The east end of the property bordering Capicchioni Realty has not had a continuous planter constructed. Evidently they intended to delete this item; however, we advised them of the need to provide separation, per the Planning Board approval. A 20' section of the planter should be removable as per the Note 10 on the approved plan (for possible future cross-access to Capicchioni).
8. The concrete door pads in the rear of the building have been deleted.
9. The dumpster pad with enclosure and plantings has not been constructed. It is assumed they still intend to do so.

20 June 1990

MEMORANDUM FOR RECORD

-3-

10. The sidewalk on the north side of the Oakwood Terrace entrance has not been extended to the Oakwood Terrace housing driveway entrance, which was required by the approved plan. Plantings currently exist within the Town right-of-way at the housing entrance, and would need to be removed if the sidewalk is to be extended to that driveway. A decision must be made as to where the new sidewalk should end.
11. The handicapped access to the new Town concrete sidewalk is unacceptable (a 2" + lip exists). The Contractor and paving Subcontractor are to correct this situation.
12. The Contractor indicates a desire to install a handicapped access location in the middle of the front sidewalk. This would require installation in accordance with the ANSI requirements; we have seen no design yet.
13. It is unclear what the finish of the rear of the building should be since the Planning Board required finish on all four (4) sides.

As can be noted from the numerous comments above, the site plan as it is being constructed differs significantly from the approved plan. Normally, minor field changes are made, as necessary, to suit conditions encountered in the field, without the need for further review by the Planning Board. In this case, given the numerous changes, it is my opinion that further review by the Planning Board either at a meeting or as part of a field visit, should occur. As such, I am forwarding a copy of this memorandum to Chairman Schiefer such that he can make the determination as to the need for same. Given the fact that a significant amount of work remains to be done on the site, further reviews by the undersigned and Mike Babcock will be necessary, prior to issuance of a Certificate of Occupancy.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

cc: Carl Schiefer, Planning Board Chairman
Michael Babcock, Building Inspector
George A. Green, Town Supervisor

A:6-20-ME.mk



TECTONIC

ENGINEERING CONSULTANTS P.C.

OTHER OFFICES:
Auburn, MA
Milford, PA
Paramus, NJ
Waterbury, CT

P.O. Box 447, 600 Route 32
Highland Mills, N.Y. 10930-0447 (914) 928-6531

FAX (914) 928-9211

Mr. Andrew Krieger
Planning Board Attorney
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12550

June 29, 1990

RE: W.O. 739.01
Oakwood Commercial Center

Dear Mr. Krieger:

Please be advised that an amended site plan application and fee have been filed with the Town of New Windsor for the Oakwood Commercial Center project in order to appear in front of the Planning Board to discuss resolution of modifications from the original site plan. In the interim my client has advised me to inform the Planning Board that he will post a \$15,000 cash bond to cover completion of the site work until a resolution has been reached with the Planning Board regarding the proposed amendments. The engineering estimate to complete the site work assuming the Planning Board concurs with the amendments was \$7,300.00, as described in my letter to Michael Babcock dated June 28, 1990. This amount is equivalent to approximately 7 percent of the bond estimate for the original sitework. The original bond estimate for the entire site work was approximately \$99,000, including all the paving, drainage, concrete and landscaping for the site. The proposed cash bond of \$15,000 equates to 15 percent of the original bond estimate. We anticipate that this cash bond would be released once construction of the site improvements are completed.

I hope the proposed bond amount is sufficient to demonstrate my clients desire to cooperate with the Planning Board.

My client has advised me that due to contractual agreements between K&K Management and their tenants, immediate action on this proposal is needed to avoid costly litigation from the tenants.

Should you have any questions, please do not hesitate to call.

Sincerely,

Donald A. Benvie, P.E.
Principal

DAB/gj
File 122

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

(This is a two-sided form)

Date Received _____
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

APPLICATION FOR ~~SITE PLAN~~ ~~AMENDED SITE PLAN~~
~~AMENDED SITE PLAN~~
AMENDED SITE PLAN

1. Name of Project Oakwood Commercial Center
2. Name of Applicant Leon Klein, K&K Management Phone 914-783-7417
Address 1 Freeland St., Monroe, NY 10950
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record Leon Klein Phone 914-783-7417
Address 1 Freeland St., Monroe, NY 10950
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan Tectonic Engineering Phone 914-928-6531
Address 600 Route 32, P.O. Box 447, Highland Mills, NY 10930
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning Board Meeting Tectonic Engineering Consultants Phone 914-928-6531
(Name)
7. Location: On the North side of Route 94
10 feet East (Direction)
of the corner of Oakwood Terrace and Route 94
(Street)
8. Acreage of Parcel .798 9. Zoning District NC
10. Tax Map Designation: Section 44 Block 1 Lot 39
11. This application is for amended site plan approval

APPROVED BY: _____
TOWN OF NEW WINDSOR
PLANNING BOARD
DATE: _____

12. Has the Zoning Board of Appeals granted any variance or a Special Permit concerning this property? No

If so, list Case No. and Name _____

13. List all contiguous holdings in the same ownership
Section _____ Block _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT

(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

_____ being duly sworn, deposes and says
that he resides at _____
in the County of _____ and State of _____
and that he is (the owner in fee) of _____

(Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized _____ to make the foregoing application for Special Use Approval as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

29th day of June 198 90

Don P. Thomas
Notary Public

Arnold M. [Signature]
(Owner's Signature)

Arnold M. [Signature]
(Applicant's Signature)

(Title)

file

TOWN OF NEW WINDSOR
PLANNING BOARD MEETING
MAY 24, 1989

MEMBERS PRESENT: JOHN PAGANO, ACTING CHAIRMAN
RON LANDER
HENRY VAN LEEUWEN
VINCE SOUKUP
LAWRENCE JONES (Arriving Late)

ALSO PRESENT: MICHAEL BABCOCK, BUILDING INSPECTOR
MARK EDSALL, P.E., PLANNING BOARD ENGINEER
JOSEPH RONES, ESQ., PLANNING BOARD ATTORNEY
(Arriving Late)

ABSENT: CARL SCHIEFER
DAN MC CARVILLE

OAKWOOD COMMERCIAL CENTER - SITE PLAN - ROUTE 94 (89-20)

Mr. Don Benvie from Tectonic came before the Board representing this proposal.

Mr. VanLeeuwen: I had a long talk with Don Green and he said there is no way that he would give permission to put a sidewalk out front, he couldn't on account of all the utilities buried underneath. I think there should be a letter in the file on that.

Mr. Benvie: This is the site plan and the architectural profiles for the building for the project. It was, I guess, there was, we submitted the plans, I guess there was some open items with regard to the County Planning Department comments. They were reviewed the last time I was here then also the question about a sidewalk out in front of the property on 94.

Mr. VanLeeuwen: I think that is the only thing that remains to be covered is the sidewalk out front.

Mr. Benvie: And essentially the County Planning Department concurred. They wanted access available between the sites so we added for future access so we added a 20 foot strip for future access, should it be needed. We have also added a note on there that they have to re-appear before the Planning Board if they ever do decide to use that

access.

Mr. VanLeeuwen: Which access is that, on Cappichioni property?

Mr. Benvie: Yes.

Mr. VanLeeuwen: I don't see where that is going to be any benefit.

Mr. Benvie: We added that with a note stating that if it was ever decided they'd have to come back to the Planning Board.

Mr. VanLeeuwen: Every property should have its own entrance and exit, egress and ingress.

Mr. Benvie: We have been touch with, as you had said earlier, we talked to Don Green about the sidewalks and I guess he had spoken to some of the members here about his concerns with the sidewalks out there.

Mr. VanLeeuwen: I think we should read the engineer's comments.

Mr. Soukup: Have you had the benefit of seeing the comments.

Mr. Edsall: Here is a set of comments for you.

Mr. Benvie: Thank you.

Mr. VanLeeuwen: This is a new application according to our engineer. I make a motion that the Planning Board of the Town of New Windsor take the position of lead agency on the SEQR process with regard to Oakwood Commercial Center Site Plan Route 94.

Mr. Lander: I will second that motion.

ROLL CALL:

| | |
|----------------|-----|
| Mr. Lander | Aye |
| Mr. Soukup | Aye |
| Mr. VanLeeuwen | Aye |
| Mr. Pagano | Aye |

Mr. VanLeeuwen: I make a motion that we declare a negative declaration with regard to the SEQR process on Oakwood Commercial Center Site Plan Route 94.

Mr. Soukup: I'll second the motion.

ROLL CALL:

| | |
|----------------|-----|
| Mr. Lander | Aye |
| Mr. Soukup | Aye |
| Mr. VanLeeuwen | Aye |
| Mr. Pagano | Aye |

Mr. Soukup: Considering that we have had a hearing on this and done a site inspection and the plans are now complete with the items we asked for in the prior application, I move we waive the public hearing and grant site plan approval with regard to Oakwood Commercial Center Site Plan Route 94.

Mr. VanLeeuwen: I'll second that motion. If you look at #2, I suggest that we tie that into the motion that all interior sidewalks should be concrete and that all sidewalks proposed for the town road (Oakwood Terrace) be meshed reinforced concrete.

Mr. Soukup: Then I make a motion that we waive the public hearing and grant site plan approval to the Oakwood Commercial Center Site Plan Route 94 subject to the town engineer's comments of 24 May, 1989.

Mr. VanLeeuwen: I'll second that.

ROLL CALL:

| | |
|----------------|-----|
| Mr. Lander | Aye |
| Mr. Soukup | Aye |
| Mr. VanLeeuwen | Aye |
| Mr. Pagano | Aye |

Mr. VanLeeuwen: The project will look like the pictures you have brought in.

Mr. Benvie: Yes. My client is aware of how you want it to look.

DISCUSSION: OAKWOOD COMMERCIAL CENTER (Sidewalks)

Mr. Edsall: I have a memo from Donald Green from the DOT to all Planning Boards. The reason this was generated was, on Oakwood Commercial Center for the sidewalks, he has issued a memo indicating a sidewalk will only be accepted in a State right-of-way subject to five conditions. What they are saying unless the Town Board passes a resolution indicating that the maintenance and liability for the sidewalk is going to be accepted by the Town Board, they will not authorize sidewalks to be constructed so what it is telling you is if the Planning Board wants sidewalks, you have got to get authority from the Town Board that they will be accepted or the DOT or the State has to be the one who generates the construction so that it is intended to be a State sidewalks. I don't know what record you can put it in. I have a copy when it comes time for Oakwood, Don Green has already indicated to me that he will oppose the Oakwood sidewalks since they lead to nowhere.

Mr. VanLeeuwen: I spoke to Don a week ago, I know the man personally and his wife too because she works for the Town of Newburgh and he said to me, do me a favor, leave out those sidewalks.

Mr. McCarville: We turned the whole damn project down so--

Mr. Edsall: When the new application is considered, what I'm asking is that the issue of sidewalks on the State right-of-way this Board does not have the authority to require them.

Mr. Soukup: Can we put it in front of the Town Board to get an indication from them whether they will be responsible.

Mr. Edsall: If you'd like me to, I will pursue it but I am telling you--

Mr. Soukup: Get the Town Board to let us know what they want.

Mr. Lander: What is the difference between Freedom Road and 94.

Mr. VanLeeuwen: They'd put the curbing in and everything else.

Mr. Lander: I don't particularly care for the sidewalks there.

Mr. Edsall: If it is the Board's pleasure, I will direct Tectonic to be the one who asks the Town Board if they would support it or not acceptable.

Mr. VanLeeuwen: Yes.

OAKWOOD COMMERCIAL CENTER - SITE PLAN (88-34)

Mr. Ross Winglovitz of Tectonic came before the Board representing this proposal.

Mr. Winglovitz: I have a copy of the estimate for the site work and public improvements for the Board. That was also sent to Mark Edsall for his review and approval. I think the last time when this came to the Board, one of the remaining questions was Orange County Department of Planning approval and I believe that has been done and was submitted to the Board from Orange County Department of Planning and approved.

Mr. Roncs: Is that in the file, Mr. Chairman, can we just confirm that we have received Orange County Planning Department letter. There is a form from the Orange County Planning Department dated March 27th, 1989 in the file regarding the application of K&K Management, Oakwood Commercial Center site plan on Route 94 and Peter Garrison, the Commissioner, states the retention of the existing stonewall is commendable and a connection between the Commercial Center parking lot and the adjacent Cappichioni property should be considered. Otherwise, the matter is approved as far as the Orange County Department of Planning and Development is concerned.

Mr. Winglovitz: I feel it would create a weird traffic pattern within the development itself with too many access.

Mr. VanLeeuwen: I am against that and I will tell you why because coming out of Cappichioni Real Estate, the sight distance is very limited because you have the sharp bend just below that.

Mr. McCarville: If you joined them back here they could go out this way and I'd have better sight distance at this intersection.

Mr. Soukup: You can't join them in the front, you might want to in the back. You can't do it in the front because it is too close to his entrance because you have people trying to get in his lot with people coming out so it would have to be in the back of the proposed building in order to get distance away from the entrance. If there is no way to do it then we forget about it.

Mr. VanLeeuwen: I don't think it is a good idea.

Mr. Pagano: It doesn't specify why he wants it, just like an off-hand comment and if he gave us some more detail what he is trying to get at, I could understand it, a connection between the Commercial Center parking lot and the adjacent Cappichioni property should be considered but not why. I don't understand the method of his thinking.

Mr. Winglovitz: If the Board has no further comments, I'd like to ask for site plan approval. We have been through this.

Mr. Roncs: Was there a revision of the sidewalks to concrete, is that noted on the plan.

Mr. Winglovitz: I believe so, yes, it is typical detail that the sidewalks are concrete.

Mr. Babcock: Possibly we should be looking at the plan that is in our file.

Mr. Roncs: The plan on the Board says 4 foot wide concrete sidewalk.

Mr. Babcock: That is the plan that the gentleman walked in with tonight.

Mr. Soukup: The one on file I have here is what revision date.

Mr. Roncs: 3/8/89.

Mr. Soukup: Mine is 2/16.

Mr. VanLeeuwen: Mine shows 4 foot paved sidewalk.

Mr. Soukup: Right, that is revision #6.

Mr. Winglovitz: That was one of the comments from the engineer.

Mr. Pagano: We are talking about revision 6 at this point of the map as submitted tonight.

Mr. VanLeeuwen: 3/8/89, that is the last revision. It shows paved 4 foot paved sidewalk. It does not show concrete sidewalk.

Mr. Roncs: It does show concrete.

Mr. McCarville: Just as Mr. Garrison recommended a change with a connection to the property next door, that could not be accomplished with this plan because you'd lose two parking spaces. They exceed by one space the requirement. The map that we had from the 20 exceeded by two so there is one less space on this map here.

Mr. Winglovitz: We moved the existing dumpster also.

Mr. McCarville: To make room for the dumpster, we lost a space. What we are seeing is a piece of property that is overdeveloped. We can't put sidewalks because they don't fit, we don't want to destroy the wall, they can't put sidewalks in front of the wall because there are utilities yet you can build Manhattan with subway cars running underneath. I don't understand why you can't put a sidewalk with utilities under it.

Mr. Jones: This is not Manhattan it's New Windsor.

Mr. McCarville: There is a 95% development rate.

Mr. Winglovitz: The town code states building area and we meet the requirements as stated by the town for building area.

Mr. McCarville: That will soon be changed.

Mr. Rones: It seems that all of the notes on this map which says it is the #6 revision are not the same as the one that is on the board here. That has the same revision date unless there is a latter one because this says 4 foot wide concrete sidewalk.

Mr. VanLeeuwen: And mine says 4 foot wide paved sidewalk.

Mr. Winglovitz: That revision should have been changed.

Mr. Rones: That map up on the board has the revision but even though you have got the same revision date on this plan here it is not the same one. I don't know what yours show.

Mr. Winglovitz: That was submitted 10 days ago and that revision was probably made when we made up the site costs and estimate for the site work. That should be revised.

Mr. Rones: That is a revision that is not noted.

Mr. Soukup: Simple solution to that is to make any approvals subject to the engineer's letter and confirmation before the map is signed.

Mr. Rones: The other comment of Mark is that there should be a 12 inch diameter CMP storm drainage and I note that also appears on the plan that is up on the board. I don't know what it shows on the one that is on your table. Mark's comments on handled on there then the rest has to do--

Mr. VanLeeuwen: What about the site for the dumpster. What is that going to look like. It is going to be concrete block.

Mr. Soukup: It says enclosure with cover. That is pretty much what we asked for. The other thing that this should be subject to is that the building elevation presented to us is subject to part of this approval also even though it is not part of these drawings, the building elevation presented at the last meeting which showed similar facade front and back is a subject to of this approval and this drawing in not part of this set.

Mr. Pagano: We have got one drawing here and one here. This is one of the things that is always disturbing and waste of our time. We have got other people on the agenda today and we have got here a sort of incomplete map. We have a discrepancy and I don't think the Board, I think it is impossible for the Board at this time, this is my opinion, to do a job on this. I just can't see how we can do it.

Mr. Winglovitz: The map is not incomplete, lacking of two comments that have been revised on the new map that can be given approval subject to those two comments.

Mr. Pagano: I leave it to the Board whether they want to continue with it.

Mr. VanLeeuwen: There is one thing I want to do, the drawing what he showed what the building is going to look like, I want that part of this town map and stays in the Town Hall as approved.

Mr. Winglovitz: That was never requested prior and usually is not part of a submission for site plan approval.

Mr. Rones: We did have quite a bit of discussion about that elevation at the last meeting. We spent a great deal of time on it.

Mr. Soukup: Your associate was here and made a special effort to bring it back revised and in conformance with our field trip so this project could proceed to the level that we are at now.

Mr. VanLeeuwen: You want a vote on this tonight, is that what you want.

Mr. Winglovitz: I'd like to have a final conditional approval pending the engineer's comments and I mean what reasons do we have, major reasons.

Mr. VanLeeuwen: I don't think you were here three meetings ago or two meetings ago when I said that I would like to see the rendering of the building attached to the plan and that is the way they are going to be presented and that has not been done.

Mr. Winglovitz: Three meetings I was here and the last two it was my associate Don.

Mr. VanLeeuwen: That is where I stand. I want it as part of it.

Mr. Winglovitz: That can be put in with the building permit issuance.

Mr. VanLeeuwen: No. We have been tricked to many times.

Mr. Rones: We don't want a misunderstanding about what we are approving.

Mr. McCarville: The very first time this thing came in in its draft form, I made a recommendation that this driveway be put through to the lot next door on the very first plan and it is not like that just came up tonight.

Mr. Winglovitz: You stated that there is no parking area in the back of the Cappichioni property. We can't make Mr. Cappichioni provide a drive-thru there in the back of his property at his cost.

Mr. McCarville: No, just leave a space for the future development if so desired, less traffic coming out on the curb and more in the intersection where it belongs.

Mr. Pagano: Well, it is up to the Board. Do you want to make a motion. Where do we want to go from here.

Mr. VanLeeuwen: I want to see the map completed and corrected and then I will vote yes. I also want to see what I have asked for in the beginning, okay, I want to see a rendering of the building attached to that map as part of the map and I want to see it go in the file that way. That is my--if I don't see that I will not vote yes.

Mr. Winglovitz: When I was here in October, I brought the map of the elevation. It was snubbed and not reviewed. It could have been addressed to me at that time and it wasn't.

Mr. McCarville: I make a motion that we approve the Oakwood Commercial Site Plan 88-34 Route 94.

Mr. VanLeeuwen: I will second it.

ROLL CALL:

| | |
|----------------|--|
| Mr. Jones | No |
| Mr. Soukup | No, not without the subject to's, I have to vote no. |
| Mr. McCarville | No |
| Mr. VanLeeuwen | No |
| Mr. Pagano | No |

Mr. Roncs: One thing that I would like to do is to put the matter of Oakwood Commercial Center on the next month's agenda for the adoption of written findings of fact with respect to the denial so we can provide the applicant with written findings of fact in accordance with the requirements.

Don Benvie came before the Board representing this proposal.

Mr. Soukup: Did you indicate the material for the back wall of the building?

Mr. Benvie: Not on the site plan. I know they plan on using--when they had the architect look at it, structurely, they had problems framing it in so they propose this as an alternate.

Mr. VanLeeuwen: It looks better than it did before.

Mr. Benvie: Facing out to the street, this is the front elevation.

Mr. Schiefer: Do we get another approval when he removes the objections from the fire inspector. They have made the corrections that the fire inspector requested. Don't we get a formal approval from the fire inspector that it is okay.

Mr. Rones: Yes, we should, of course, unless we are satisfied that it is correct. Maybe that would be--we can give him an approval subject to.

Mr. Lander: The fire department wanted the island eliminated.

Mr. Schiefer: Then we can put subject to the approval of the fire department.

Mr. Edsall: What date is your disapproval?

Mr. Schiefer: 27 February '89.

Mr. Edsall: I guess that supersedes the two approvals I had.

Mr. Benvie: They didn't want the median then when we had the site inspection, they wanted more landscaping so we added the median, then we took it back out again.

Mr. Schiefer: Under these conditions, Mr. Rones said subject to the fire department approval.

Mr. VanLeeuwen: You should explain the sidewalk situation.

Mr. Schiefer: What about the front sidewalk?

Mr. Benvie: To go inside of the stonewall, we wouldn't have enough land for the parking spaces nor would we have the 30 foot of separation we need for the fire land around and if we put it on the outside, we can't get drainage.

Mr. McCarville: Drainage for what?

Mr. Benvie: To take the drainage coming down Route 94 all the drainage further up 94 coming down in front of our property. If

you put a sidewalk there, we can't maintain the flow of drainage along the DOT right-of-way there.

Mr. McCarville: If I recall, there was a grass area that was raised slightly from the highway along that wall.

Mr. Benvie: That is where we are extending our swale to handle the drainage from, coming off of our site and draining on their street, coming off 94.

Mr. VanLeeuwen: And what kind of stone?

Mr. Benvie: Fieldstone.

Mr. Soukup: What is the material above the stone?

Mr. Benvie: It is going to be, not aluminum siding, I think they are planning on putting in like a vinyl siding, tan and earth tone color.

Mr. McCarville: I don't buy that you can't put a sidewalk and control your drainage at the same time.

Mr. Benvie: The problem is we just don't have, if we don't do it this way, the ditch is going to be too narrow and we wouldn't be able to maintain the ditch because you will have vertical slopes in the ditch and they will--

Mr. McCarville: The additional blacktopping you are doing is going to create more water so we can't put a sidewalk in for pedestrians.

Mr. Benvie: We have a sidewalk that would start and stop here with no sidewalks on either side.

Mr. McCarville: When you start putting sidewalks in, you have to start somewhere and there would be five years that there wouldn't be sidewalks on either side but I guarantee every time somebody comes in for approvals on Route 300, there will be sidewalks extended.

Mr. Jones: If you are talking--we can't put the sidewalks out in the right-of-way. That is outside the wall.

Mr. Schiefer: When we were down there, we agreed to put a 2 1/2 foot sidewalk inside the wall. Now, he is saying you can't make it because of a dimension requirement.

Mr. Jones: You are coming down the road, you are coming to these people's property, you walk off the road, walk the sidewalk and go to where there is no sidewalk at all.

Mr. Schiefer: The solution was we were going to put it inside the wall. Now, he is saying, but the one that we did agree to put in front, we are being told he does not have room for the 30 foot clearance and parking.

Mr. Soukup: I didn't hear conversation that agreed there would be a sidewalk on 94. My own opinion is that again, because of the fact that it is state highway and the drainage is important to be able to be done well, secondly because there is nothing on either side of this and nothing for a great distance up or down 94, the sidewalk on 94 is probably not needed or used by anybody at this time. Maybe in the future it might be but at this time, I see no need for it. The one on Oakwood would be more valuable than the one on 94.

Mr. Schiefer: I agree on the two comments on the State right-of-way and the need for drainage. I agree with both of those. The fact that it is not there, I don't buy that because I have to agree with Dan. We have to start somewhere.

Mr. Edsall: Two comments for you on the sidewalk issue. A 2 1/2 foot sidewalk, I just asked Mike, wouldn't be constructed because it wouldn't meet the building code for access within a site so you need the full width otherwise you wouldn't be allowed to build it that small. If you don't have the full width there isn't much choice.

Mr. Schiefer: We have no room for a full width inside the wall.

Mr. Edsall: If he doesn't have the room for the, for a full width sidewalk, you can't put it in at all.

Mr. Pagano: Let's take the wall out. Do we have room. Are we trying to move the mountain for Mohamad.

Mr. Edsall: As Vince said, then you have a short section of sidewalk and nothing at either end.

Mr. Soukup: If you put a 2 1/2 foot sidewalk inside the wall, you are effectively going to be having car overhangs covering it up.

Mr. Edsall: Comment on the other sidewalk shown as being on Oakwood Terrace, it appears to be within the town right-of-way. I assume the town does not accept paved sidewalks. They have to be concrete and per the town standard requirements so we can give you a detail on that.

Mr. Benvie: We will change to concrete.

Mr. McCarville: If you were to move the building back, you'd still have the required fire swing around that, wouldn't give you enough room.

Mr. Benvie: Then we'd take away from the planting strip.

Mr. Pagano: It has got to have a sidewalk. This is the only opportunity we are going to have along 94 and to let it go, it is foolish.

Mr. Benvie: The only way you can get a sidewalk is by taking the wall down. The DOT wants the drainage swale because it has to maintain the flow of drainage off 94 and further up the, further to the west on 94.

Mr. McCarville: Is that where the stonewall is, behind the bush there.

Mr. Benvie: Yes.

Mr. Schiefer: The only two practical solutions in my mind is one, move the building back and there are problems with that and the other is take the wall down.

Mr. McCarville: I say put a curb along the front of it and put a curb in.

Mr. Jones: I don't want to take the wall down.

Mr. McCarville: I disagree with the concept that you can't put a sidewalk.

Mr. Jones: We have been down there.

Mr. McCarville: You have plenty of room between the outer part of the wall and the street.

Mr. Jones: You are going out into the right-of-way.

Mr. Soukup: You can't but it in with a paved swale. You'd have to pipe it, if you are going to go that route.

Mr. Lander: To try and correct that problem on the intersection. I'd like to see a sidewalk too but how is it going to fit in there. There is a sewer manhole down here someplace.

Mr. Soukup: That is another problem with respect to the piping. There is an existing sanitary sewer so you don't have a lot of space to put the storm drainage in. Probably you are going to rip the wall out. We looked at the distance from the manhole to the wall. There wasn't a lot of space to work. I'm not sure the State would allow you to set the drain pipe that close to the sewer in their right-of-way anyway. You try to do anything other than a swale, you are going to end up ripping the wall out because of the construction of it. If you want to save the wall, I think you're probably looking at a swale and no sidewalk. If you want to rip the wall out, you can achieve a sidewalk.

Mr. Jones: I have looked at that wall since I was a little kid. I'm in favor of leaving the wall.

Mr. Schiefer: Is there or isn't there room in front of the wall for a sidewalk?

Mr. McCarville: I think we should ask Mark to take a look at it and give us his opinion.

Mr. Edsall: The only way I can see this being constructed and it is quite an expense is to put the sidewalk flush against the wall and put in a drainage pipe the entire length just outside the curb level.

Mr. Benvie: You will undermine the wall by putting that in and getting a pipe underneath it.

Mr. Edsall: The pipe on the other side of the curb but you are talking about quite a bit of work. You'd end up having a sidewalk over top the utility. If the water line is there purely based on the department of health requirements, you could put the storm sewer along the--you couldn't put it, you'd have to leave it surfaced.

Mr. Benvie: If you pave and put the walk, you are going to cover up the sewer line and if there is a leak--

Mr. Schiefer: On the other side of the wall, the only solution is to move the building. There is nothing else.

Mr. Pagano: I am not going to vote for this thing until there is a sidewalk.

Mr. Schiefer: Any other issues before we go back and see what we can do with a sidewalk.

Mr. Benvie: The only thing is we have to change the note to make this a concrete sidewalk.

Mr. Jones: There is some things that belong here, you know, they were here long before you and I came around.

Mr. Schiefer: Hank, what do you think.

Mr. VanLeeuwen: I was in favor of putting the sidewalk in front of the wall, on the inside.

Mr. Schiefer: He explained to us--

Mr. VanLeeuwen: I know what the problems are and I would like to see a sidewalk in there. If it comes to the sidewalk compared to the wall, I will take the wall.

Mr. Pagano: I agree with you but there is no reason why we can't put it inside instead of the outside.

Mr. McCarville: I'd like to know why, I can't understand why this building can't be moved back 2, 3 feet.

Mr. Benvie: You need 10 feet for the parking and you need 30 feet for the fire lane so that is 40 feet and that leaves a 4 foot planting strip so we can get a buffer zone.

Mr. VanLeeuwen: We squeezed every bit of building we can on this piece of property.

Mr. Pagano: Cut the building down a little to get the sidewalk in.

Mr. VanLeeuwen: I would suggest taking a vote on cutting the building

back and putting in a 2 1/2 or 3 feet sidewalk or whatever they want to do. You can't move the building back, that is impossible. You don't have the room.

Mr. Schiefer: Either no sidewalk or cut down the width of the building.

Mr. VanLeeuwen: Right, that is the only option you have left.

Mr. McCarville: I would like to see sidewalks on the premises across the front to get people from this street in the future up the street and when the people come in next door, we will require the same type of sidewalk across the front of their property. That is a dangerous road.

Mr. Jones: What are you smoking.

Mr. Schiefer: You are not going to vote for it without a sidewalk.

Mr. McCarville: Right.

Mr. VanLeeuwen: I want to leave the wall, I'd like to see the sidewalk put in on the inside of the wall, minimum 2 1/2 feet.

Mr. Benvie: They can't, 4 foot walks so you are asking to cut the building 4 feet.

Mr. Babcock: It wouldn't be dedicated to they can make it any width.

Mr. Schiefer: If it is private sidewalk and doesn't belong to the town.

Mr. Edsall: I am not sure if it is 44 or 48 but I don't believe it is less than 40. It is still subject to the same building requirements, public or not.

Mr. Babcock: One other thing that you have to be concerned about is that when you front end a car into those front entrance parking spots, the overhang of the car is going to wind up taking up space.

Mr. Edsall: And the last question is, is the Board's intent to have that sidewalk be for town use, general town use or used to serve this project because if you put it on their property, the town is not going to want it. All you are doing is providing a sidewalk so people can walk in front of their cars before they go into the building.

Mr. VanLeeuwen: If you can't put it in front of the wall, I will go with a building.

Mr. Pagano: I am still for a sidewalk, either in front or behind. I am not going to vote until we get a sidewalk.

Mr. Lander: I don't think the sidewalk will work out in front because of the drainage, because of the wall. There are too many things there.

I'd like to see a sidewalk too but if it is impractical and you can't put it on the inside that serves no purpose.

Mr. Jones: I don't want to see a sidewalk.

Mr. Soukup: An inside sidewalk has no purpose to it. The wall, I'd like to see saved. The only way I can see a sidewalk outside the wall is if an extensive drainage system is put in. You have got existing utilities that you conflict with unfortunately that there is much hope for extending sidewalks in the reasonable future on either side of this, you have a development right and you have used property on the left, nothing coming in, nothing vacant but if you have alot of empty space, I think what they have done is maximize, effectively solve the drainage problem and cannot provide a sidewalk.

Mr. Schiefer: I think they have maximized something else, the amount of building. I want a sidewalk but I really don't see where it is practical. Now, again, before we vote on it, we know the opinion on the sidewalk, before we make a motion, are there any other comments. Any other things. We are going to have a motion on whether or not we approve the sidewalks.

Mr. McCarville: What percentage have you figured, what percentage of the site is developed with blacktop, building and concrete.

Mr. Benvie: We haven't calculated.

Mr. Ronen: Looks like 99%.

Mr. Soukup: Is there a percentage in the ordinance.

Mr. McCarville: When you put 96% or whatever it is into blacktop and building and parking, you don't have room for sidewalks. You don't have room for trees. You don't have room for anything.

Mr. Benvie: It is a catch 22 situation because to meet the parking requirements and the fire department requirements necessary, takes the amount of pavement that we have shown on the project.

Mr. McCarville: I can also show you that that project will effect this rather than improving it. You are going to have more drainage problems on 94 than you have now.

Mr. Edsall: The answer on the zoning, the floor area ratio is one so if they didn't need parking, they could literally cover the entire site with a building. Development coverage, there is no value set.

Mr. Soukup: Is the parking calculations correct where he took out storage area before he did the parking calculations.

Mr. Edsall: Yes, it is in sales use, the way the terminology reads.

Mr. Soukup: So, the table is correct.

Mr. Edsall: This is a retail use and the way the ordinance reads, it is areas in sales use so yes, the only counter measure to that is if

in fact the building inspector goes on-site for an inspection and finds out that the 1200 is used for sales, they'd be in violation of the approval if they got one.

Mr. VanLeeuwen: They have taken up every bit of space here. That part of the building that I asked for he has complied with that, everything else he has complied with, okay, and I think this whole sidewalk business is a catch 22 situation. We have no choice.

Mr. Schiefer: I know the opinion of the Board, the sidewalk is not going to stop it if there is nothing else.

Mr. McCarville: What about the stamp of approval from the County Planning Department.

Mr. Edsall: Well, that is obviously a formality, just to have them confirm that in fact they are saying it is a local jurisdiction decision.

Mr. Schiefer: They have received it, the County Planning Consultants received it as of March 8th, 1989. There is no comment so it would have to be subject to that approval.

Mr. Benvie: This is for the Board.

Mr. Schiefer: They have gone for that, it is not yet available. Do we want to take lead action on this.

Mr. VanLeeuwen: We did that. I make a motion that we declare a negative declaration to Oakwood Commerical Center site plan, Route 94 88-34.

Mr. Soukup: I will second that motion.

ROLL CALL:

| | |
|----------------|-----|
| Mr. McCarville | No |
| Mr. VanLeeuwen | Aye |
| Mr. Pagano | No |
| Mr. Soukup | Aye |
| Mr. Jones | Aye |
| Mr. Lander | Aye |
| Mr. Schiefer | Aye |

Mr. McCarville: Would this sidewalk continue to Oakwood Terrace, would this be continued to their driveway.

Mr. Benvie: Yes, extend to the entrance where the Oakwood Complex is so it will go right up into their, right up to their driveway and assuming that we can reach an agreement with them to do that.

Mr. Soukup: Did you determine whether that was a town or private road?

Mr. Benvie: As far as we can see, from the accessor's map, I believe it is a town road.

Mr. Soukup: Then, you don't need their approval.

Mr. Lander: Is Oakwood a town road?

Mr. Babcock: Yes.

Mr. Edsall: As far as construction of a sidewalk goes, it has nothing to do with the housing complex. In addition to if the Board decides to require a site bond, you are also going to have to submit a public improvement bonding estimate for the sidewalks to be constructed and dedicated to the town.

Mr. Babcock: I don't know the question Oakwood Terrace the road that is going by here is a town road, the project Oakwood Terrace, that is not.

Mr. Lander: The question was brought up that if Oakwood Terrace is a private road maintained by Oakwood, they'd have to have a letter stating they can continue the sidewalk.

Mr. Babcock: It is a town road.

Mr. Schiefer: Any concerns if we have a motion, are there going to be two conditions.

Mr. Soukup: Wouldn't there be a bonding on this plan also and a concrete sidewalk and the Orange County Planning Department.

Mr. Schiefer: Orange County Planning Department and the bonding, those are the two conditions that I see.

Mr. Soukup: And the note on the sidewalk has to be made into a concrete sidewalk, not a paved one.

Mr. Rones: What is the date that the plans were sent out to the Orange County Planning Department.

Mr. Schiefer: Today.

Mr. Rones: Unfortunately, there is a provision of the general municipal law that provides that the Orange County Planning Department must either indicate their approval or disapproval or have had 30 days in which to do so. Actions that are taken in advance of that 30 day review period for projects that are either within 500 feet of a town boundary line or a county right-of-way etc. are void so it is really not proper for you to vote until you have given the Orange County Planning Department their 30 days comment period.

Mr. VanLeeuwen: How come you didn't get out there sooner?

Mr. Benvie: Unfortunately, there was--we wanted to get the finalized plan, get the accepted plan together.

Mr. VanLeeuwen: We can't even vote a subject to.

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Mr. Soukup: We will have to schedule it for 30 days for a vote.

Mr. Schiefer: As soon as you get approval, get back with Mike and I will request that Mike put it on immediately. That will not be the next meeting but the one after that. I see no other way we can do it.

OAKWOOD COMMERCIAL CENTER-SITE PLAN (88-34) RT. 94

Mr. Don Benvie came before the Board representing this proposal.

Mr. Benvie: These are the latest plans Skip Fayó had a couple of comments.

Mr. Edsall: Before the Board reads all the comments, just note my comment 3 refers to a drainage problem which since these comments were prepared, Mr. Benvie has had the opportunity to talk to the highway superintendent, the problem was corrected and an opportunity to talk to Skip recently and he indicates that he now has no objection to the plan since the problem has been shown as being corrected on the last plan that we are looking at right now so comment #3 has been taken care of.

Mr. Schiefer: Before you go into it, just looking, the one, two and four. I am interpreting Mark, that there is nothing wrong.

Mr. Edsall: That is right. The only outstanding item was the drainage condition and that has been resolved.

Mr. Schiefer: So, as far as you are concerned, there are no problems.

Mr. Edsall: That is correct.

Mr. Soukup: When we put in the drainage swale, we are not moving the problem up along Oakwood to that other entrance by any chance.

Mr. Edsall: The ponding problem is now being corrected since there is going to be a drainage path for it to relieve itself and get picked up by the system that the State has.

Mr. Benvie: Right now it just ponds at the corner and with the drainage swale that we provided up front, it takes it down 94.

Mr. Soukup: Where does it go when it gets to the front right corner of the property. There is a driveway entrance but no culvert shown.

Mr. Benvie: There is a natural swale and follows that swale down along the edge of 94 and it drops off.

Mr. Soukup: Does it go over the driveway rather than under it?

Mr. Benvie: It goes over it. I talked to Paul Cappichioni about putting a culvert but you'd have to raise the grade so much because going across there, it is not more than a 2 or 3% grade so he just as soon follow the approach as shown on the plans here.

Mr. VanLeeuwen: There is one thing I am not very happy with when we were out there for the site inspection, I understood that we had an agreement that the front of the building or the back of the building would look like the front.

Mr. Benvie: That is what they have attempted to do with putting in the cedar siding as far as--

Mr. VanLeeuwen: I don't think you have to do that with the roof line but I'd like to see some more stone and brick work because the people in Oakwood paid alot of money and we don't want to duplicate what is there now.

Mr. Benvie: I tried, I thought we were just trying to get away from the masonry wall. I thought, I guess I misinterpreted because I thought that by adding the siding and showing the finished doors that we more or less pick up what we have in the front. The only thing that we don't have is the stone planters underneath but they don't have any windows in the back. That is why they elected not to add that.

Mr. VanLeeuwen: I think a little stone work and so forth and there is one other problem here. I see this one tree is to be removed. We asked that to stay, am I correct.

Mr. Benvie: After we located it logistically, it is impossible because we have to have fire access along the back and that would be in the fire lane so we were able to save this by blocking out one of the parking spaces but this you can't save because we have to provide 30 foot access all the way around the building for the fire.

Mr. VanLeeuwen: What we don't want to do is create another one that we have here and those people are all there illegally. We checked it out. None of them are there legally. Nobody has a permit.

Mr. Schiefer: We asked to have that tree left there but look where it is.

Mr. Soukup: I think the fact he saved one out of the two is the best he can do and still meet fire access.

Mr. VanLeeuwen: I am not going to approve it until we see a different back on the building.

Mr. Soukup: Is the client here tonight?

Mr. Benvie: No.

Mr. Soukup: What about if you took that center break in the roof that is in the front and put that in the back as well and didn't put the little four windows but just the center break on the roof and put that in the back as well that would be sort of a symmetrical type framing. Would that be sufficient to break it up for you.

Mr. VanLeeuwen: I'd like to see some stone work because those people living in Oakwood, they are going to be looking at this and it is not going to be fair for them.

Mr. Jones: It looks like a barracks.

Mr. VanLeeuwen: I thought you and I, you said no problem but that is not what I had in mind.

Mr. Benvie: To be honest, we don't do the architectural work. I indicated to the client and architect based on the site visit you asked that the back be replicated, the front be replicated in the back as much as possible in order to not create an eye-sore. Let me suggest this. If we make the commitment to provide in the back, provide the planters as shown in the front.

Mr. VanLeeuwen: You don't have to put the planters, put the brick. You don't have the room to put the planters. I will make a motion to approve it, not tonight but I want to see a different drawing on the back of this.

Mr. Benvie: Can we do it conditional upon adding stone work in the back to replicate the stone work in the front without putting planters in.

Mr. VanLeeuwen: Not in my book you can't because I thought we already got that straightened away.

Mr. Schiefer: I think we have nothing but opposition from the neighbors the last time and we are trying to over come the voiced opposition to the people living in back and we have got to react some way and that is what you are saying.

Mr. VanLeeuwen: He is not going to get my vote without it.

Mr. Benvie: My clients will commit to it. I'd just like to hopefully forego having to have another meeting but that is why I am suggesting possibly do it conditional to adding the stone work. We'd be very sepcific in the conditions as far as whatever.

Mr. Soukup: I'd like to add the roof break in the back as much as the stone work.

Mr. VanLeeuwen: You can't put those people in Oakwood in that type of position. I wouldn't go for that and I don't own anything in Oakwood.

Mr. Benvie: I don't have a problem as far as adding the stone work in the back of the building and adding the roof break similiar to what we have on the front there in order to break up the back. What I propose is that possibly that we make approval conditional on; adding those two items to satisfy the Board and obviously the approval is conditional until we submit additcinal architectural plans. Those aren't finished plans. We have to submit to Mike more finished plans and I think by making it conditional we have already--you have put us in a position whereby Mike can't give a building permit until the plans incorporate what you are asking for which we will commit to.

Mr. Soukup: I think the applicant has added landscaped island that weren't there before. They tried to do most of the things we talked about.

Mr. VanLeeuwen: I am only one member gentlemen. That is all.

Mr. Schiefer: I hear two changes, the roof line and the back of the building. Any other comments.

Mr. Pagano: I have got two more items. You have a dumpster right next to the apartment. I'd like to see that moved away from the apartments. There is a commercial strip next door. You can move it down to the planter. I don't want your garbage making a noise and interfering with them. You are going to have a different hauler.

Mr. Lander: It should be closed so that the papers don't fly out of the dumpster.

Mr. Pagano: I don't see any sidewalks. Unless I missed my guess, I think we had discussed sidewalks.

Mr. Benvie: We do.

Mr. Pagano: No, I am talking about along the street.

Mr. Benvie: I don't recall, to be honest, any discussion about the sidewalk, but we have in order to handle the drainage, you can't put in the sidewalks because we are putting a swale to handle the drainage coming off the site so we are in a situation where we are rather restricted where we can put sidewalks.

Mr. Pagano: We are increasing traffic and you know, without the sidewalks, I am not to happy with this.

Mr. Jones: As far as I am concerned, you are putting somebody out there to get hit by a car.

Mr. Pagano: We are taking away their walkway so you are creating a whole new set of problems and increasing the traffic.

Mr. Jones: I don't buy that about the sidewalk out there. There is a stonewall there right now. You are going to put the sidewalk outside the stonewall. Somebody out there is going to get hit with a car. That is my feeling.

Mr. Pagano: We have the apartment house here, we have to make accessibility here. He is the one that is converting this property. The onus is going to be on the builder.

Mr. Benvie: There is a paved swale out here that functions more or less as a sidewalk. I have been out at the site here. I have seen people coming by. The swale which is outside of our property line I know was outside of where we are proposing to put this. There is

a 4 foot paved swale here that seems to be functioning more or less than a sidewalk more than people walking on this grass strip.

Mr. VanLeeuwen: I will go over and take a look one of these days. That is all.

Mr. Schiefer: Any resolution what the Board would like for a sidewalk. I'd like one too but we need drainage.

Mr. Pagano: They're architects, let's see them come up with something.

Mr. Jones: There is a drainage swale. What are you going to do with that. What do you want, hanging sidewalks.

Mr. Pagano: Tippy, you don't want sidewalks.

Mr. Jones: No.

Mr. Benvie: Right now the water ponds here. The town has had to add a dry well to provide some kind of relief because they pond so badly in here and by putting this drainage swale in here you are going to alleviate that drainage problem so from that respect we are helping the drainage situation here and I prefer to see this drainage situation cleared up without having to go to sidewalks because as I say what is done out here right now, the pedestrians travel out here, seem to walk along--there is a paved swale right adjacent to our site. They seem to use that paved area.

Mr. Schiefer: John, the stonewall we want we can't take out the stonewall the drainage swale is necessary, I agree with you.

Mr. Pagano: The State comes in and says and says we are going to put a sidewalk, what are they going to do.

Mr. Soukup: They'd have to do a new drainage system but John, you don't have sidewalks on either side and both properties are developed so you'd end up with a piece in the middle with an area where there is none on either side. If you do put them on this one, it would be kind of in the middle.

Mr. Pagano: The community is growing to the extent that people are going to be walking down the street to get a bus and bus service is not far away. We are going to have to walk in the street. Are we going to make the decision now or is it going to be made for us later on. In retrospect, I don't want to look and say what we should have done. I think a sidewalk is a necessity.

Mr. Jones: Where are we going to put it.

Mr. Pagano: I don't know why not take the vacant lot and put a sidewalk and then have them build it. I want sidewalks there.

Mr. Jones: We wanted to the stonewall, the sidewalk is going to be on the outside of the stonewall in the right-of-way.

Mr. Schiefer: If the stonewall doesn't come down, we are going to put it behind the stonewall.

Mr. Benvie: It wouldn't do any good inside the stonewall.

Mr. VanLeeuwen: What I suggest is ride over and take a look and maybe we can do something with the State's permission. I don't know.

Mr. Schiefer: I agree with John. I'd like to see sidewalks and it is an area where it is going to be developed and you have the housing in back of there. The people are going to walk there but either the stonewall or the drainage ditch.

Mr. Benvie: The only people that will be having access is the people coming out of Oakwood. What about if we provide walkways to get out of here. If we provide walkways through here and here then we provide direct access onto this property so nobody is walking out here to come around this way. They walk right out the door and come in the back way and that way we keep people from having to walk here. As far as the traffic coming down somebody further up 94 and coming down here, they are already walking in the road. We are not forcing them to walk out in the road from what we are proposing here now so what I am getting at is we are not adding to a situation, we are not creating a situation that doesn't already exist.

Mr. Schiefer: Let me make a recommendation and see if you will buy this. The last time we were out there, we saw a lot of things that have been addressed, obviously, the sidewalks we didn't pay much attention to. We are concerned with the sidewalk issue. We are willing to go out and why don't you give it some thought and within a week, we will try and get out there, discuss whatever you have so the next time either we get a final vote. It is not this one, it is the meeting after.

Mr. VanLeeuwen: He has got to do something with the dumpster anyway.

Mr. Schiefer: There are enough issues we are not going to vote on it tonight because if we vote on it tonight, it is going to be negative.

Mr. Soukup: The dumpster detail should be high enough screening so there is a visibility not just safety.

Mr. Schiefer: I think three of the items you can handle yourself but we will go out there with you and see if we can agree what we should do as far as the sidewalks.

Mr. VanLeeuwen: I think the dumpster should be litter proof. Maybe something with a roof on it that the papers can't get out if they leave the lid on because what happens in stores, they take the plastic bags and tie them up and throw them in. This way, if its got a set of doors, they can throw them and leave them but if they put the plain dumpsters and have a wall 6 feet high, the wind comes and blows it right out.

Mr. Soukup: I have seen one designed where they used vertical 2 by 10's on top to screen it and also provide, break up the air flow and without a solid roof because then the odors don't collect.

Mr. Benvie: I can address the issues with the trash. We can move it up to probably one of the handicapped spots. The other item about the rear of the building, we can address that but I will be quite frank with you. It is going to be very tough to deal with the sidewalks out front because of the restricted area we have in the site. We are trying to address these problems which is the drainage that occurs by putting the sidewalk, we are going to create a bigger drainage problem than what exists now.

Mr. Pagano: Let me soften my position a little bit. Let us take a priority and a sidewalk along here.

Mr. Soukup: Being what.

Mr. Pagano: On the front sidewalk along the side of the property from the terrace to 94.

Mr. Schiefer: That would be alot easier.

Mr. Jones: Any decision made with the dumpster. Is it going to be located where.

Mr. Benvie: Tentatively relocated up here.

Mr. Lander: In front.

Mr. Benvie: I don't have a choice. There is no place in back. I'd like to move it down two spaces from where it is but I don't know how much.

Mr. Schiefer: That is not going to give the relief you want either.

Mr. Benvie: Before I go, will you accept a bituminous concrete asphalt sidewalk because we still have a swale and I'd like to maintain some kind of drainage along that area so we can drain everything down. With a concrete sidewalk it is going to be tough or asphalt is going to be tough. I'd like to have asphalt instead of concrete.

Mr. Schiefer: Where?

Mr. Benvie: Along Oakwood Terrace because we do have drainage that we are going to have--

Mr. Pagano: What does Oakwood have right now.

Mr. Soukup: I think you would have enough space to put curb sidewalk and swale.

Mr. Rones: If I could just ask in order to give time to make these revisions and for the site visit and whatnot, we are running a little long on the review period here so we'd ask you to waive the site

review time limit to allow for the changes you have to make and for the review.

Mr. Benvie: Fine. Will there be another site visit.

Mr. Schiefer: We will let you know. We will get out as soon as possible and the basic issue is the sidewalk.

Mr. Soukup: When we were out there last time on the site inspection, there was across the street, evidently changed to an approved site plan and the change, the primary change that I noticed involved 90 degree parking of a town road where the cars are actually within the right-of-way. I don't believe that is permitted in New York State DOT law so I'd like to in some way ask the Board to go on record or bring it to the town's attention. We need some enforcement with respect to an illegal change in a site plan and something that is not a safe condition that has been put in without our approval.

Mr. VanLeeuwen: There is an addition on the building. They put an illegal addition.

Mr. Soukup: The 90 degree parking of the town road is not a safe condition and that should be brought to somebody's attention.

Mr. VanLeeuwen: They don't have a use permit to be in there.

Mr. Soukup: That is a secondary issue, change in use.

Mr. Schiefer: It is pretty unanimous we have some violations. How do we handle it.

Mr. Rones: They should be issued violations.

Mr. Babcock: There was a determination at the last Planning Board meeting which Mr. Rones wasn't here is that I remembered and my office is well aware of the situation that the Board was going to have Mr. Rones write him a letter requesting him to come in front of the Board.

Mr. Edsall: If you look at page 40 of the minutes that I believe you have all got copies, there was a motion made at the last meeting that the Planning Board send a letter and they requested that Joe write the letter to the legal owner. You weren't here to get out of it, Joe.

Mr. Rones: Mike, can you just get me the names of the owners?

Mr. Babcock: Yes.

OAKWOOD COMMERCIAL CENTER

Mr. Edsall: With regard to Oakwood Commercial Center, which is before the Board, across right on 94, across the street on the-- Vince Soukup asked us to check if there was an existing or approved site plan for that facility. There is none. So, whatever you want to do with them, if you want to--

Mr. Soukup: From a safety point of view and from New York State law point of view, parking spaces are not allowed to back out onto a town road. Somehow, there are spaces that have been put on, some recently. I think the man should be told to close them off.

Mr. VanLeeuwen: That sidewalk was never there.

Mr. Soukup: Those spaces are not legal.

Mr. Edsall: I suggest you do your usual routine to bring them in.

Mr. Babcock: That was a pre-existing use as a bar, the Rag Time in, when I first came into office, there was a problem with that building that the prior building inspector condemned the building. The building was condemned and I didn't know what I was doing when I got in there. What they did is they hired a contractor and cut all the columns out of the interior of the building because they were in the way and the roof collapsed and came down 12 inches. We went back in there and had structural engineers, how to design the roof to push it back and so on. At the time, site plan was not something that I even knew about. This is like the first week of my working here. I didn't know we had a Planning Board then. So, one thing led to another and we had to go through some court proceedings because of law suits. Through the judges and whatever, they got the building permits to repair the building and then subsequently they got more building permits to break it up into offices, into office space which complies with New York State code. All of a sudden when we were down there to do an inspection for the video store, there was an addition on this building. We notified them at the time that you cannot do an addition on your building without site plan approval. They said they were unaware of that and they'd be submitting the site plans shortly. I said, okay, fine, we will give you the opportunity to do that. I would say that was at least three months ago and we haven't received them yet.

Mr. VanLeeuwen: They don't have enough parking.

Mr. Babcock: The building is under violation. It is a situation--

Mr. Soukup: Have you cited them for the addition.

Mr. Babcock: We have cited them with an order to do the site plan.

Mr. Soukup: I'd like to recommend to the Board based on our inspection from two weeks ago, that the parking in front of the building where the spaces are 90 degrees off of the street which is Oakwood

Terrace, are not safe and should not be there and that the town attorney should advise the building inspector how to get those spaces removed. There is adequate parking spaces on each side of the building which is not used because of these other spaces being there. There are parking spaces available on that lot in other locations that either could be used or is actually paved to be used.

Mr. McCarville: Just have the town garage go down there and put up a guard rail right along there.

Mr. Babcock: We have him violated. We will issue him an appearance ticket to go in front of the judge. I am sure the judge will tell him to get a site plan in here or he will fine them and I am sure the site plan will come forth real quick. When you gentlemen have the opportunity to look at the site plan, that is when you can tell him this has to be eliminated, put the parking over there. Right now, there is some people occupying that building and I can tell you now, right now, that every person that is in that building is there illegally without a C.O.

Mr. VanLeeuwen: I suggest we get our Board's attorney to write them a letter that we want to see them within the next 6 weeks.

Mr. Pagano: We recommend that the Planning Board Attorney write a letter.

Mr. VanLeeuwen: I make a motion to that affect, that our Planning Board write them a letter that they are to come in within the next 6 weeks with a site plan in front of this Board.

Mr. McCarville: I'd bounce it by Joe first.

Mr. Babcock: Let Joe write the letter.

Mr. Lander: Who is the owner of record?

Mr. VanLeeuwen: Dr. Toback owns it.

Mr. Babcock: I deal with, all my dealings and applications are filled out by a Robert Wells stating that he is the owner of record.

Mr. Soukup: I will second that motion.

ROLL CALL:

| | |
|----------------|-----|
| Mr. Soukup | Aye |
| Mr. VanLeeuwen | Aye |
| Mr. McCarville | Aye |
| Mr. Lander | Aye |
| Mr. Pagano | Aye |

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TOWN OF NEW WINDSOR
PLANNING BOARD MEETING

JANUARY 11, 1989

MEMBERS PRESENT: CARL SCHIEFER, CHAIRMAN
RON LANDER
DAN MC CARVILLE
LAWRENCE JONES
HENRY VAN LEEUWEN
JOHN PAGANO

ALSO PRESENT: JOSEPH RONES, ESQ., PLANNING BOARD ATTORNEY
MARK EDSALL, P.E., PLANNING BOARD ENGINEER
MICHAEL BABCOCK, BUILDING INSPECTOR

ABSENT: VINCENT SOUKUP

Mr. Schiefer called the regular meeting to order.

Mr. VanLeeuwen: Being that we have not received the last month's minutes in time to approve them, we will put them on hold until next month's meeting.

~~PUBLIC HEARING - OAKWOOD TERRACE - 3541 - 122-341~~

Mr. Ross Winglovitz came before the Board representing this proposal.

Mr. Winglovitz: What we are proposing here is a roughly 7,000 square foot commercial center. It is commercial and office space/retail space on the corner of Route 94 and Oakwood Terrace in the Town of New Windsor. Right now, it is a vacant lot existing stonewall in front. We'd like to leave that there, putting up a nice colonial building, wood siding to fit into the atmosphere of the surrounding area. So, it is roughly an acre property in the Town of New Windsor. Does anybody have any questions. I'd like to field any questions at this time regarding the facility.

Mr. Schiefer: Before the public speaks, stand up and state your name for the record.

Mr. Matthews: I am a resident of Oakwood Terrace. The entrance and exit onto Oakwood Terrace is already a very busy area, it could be a detriment to the people living in this area. I'd like to see that closed off and the shrubs continued around that corner.

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Mr. Winglovitz: One primary concern here is emergency access to the facility from two different points.

Mr. Matthews: It still would be one entrance and one exit, whether it be emergency or otherwise. How you could define that as emergency and not let people go in and out.

Mr. Winglovitz: I am not saying it is just going to be used for emergency purposes. What I am saying is in an emergency, they like to have two entrances to a facility.

Mr. Matthews: When you say they, who do you mean.

Mr. Winglovitz: Fire department, police department, ambulance corps.

Mr. Matthews: Where we live, there is only one entrance and exit right there but that is a very very busy area right there.

Mr. Winglovitz: That is going to be more of a secondary entrance than the front.

Mr. Matthews: We already have a bad area there. It is very bad.

Mr. Winglovitz: It was approved by the New York State Department of Transportation as to where it is located. All the road cuts and everything. I feel your traffic flow in that area is not going to be that high. Most of the people who are going to be using it are the people in Oakwood Terrace. Most people will be entering through Route 94 entrance.

Mr. Matthews: Would there be any action taken on this project tonight.

Mr. Schiefer: No. This is strictly a public hearing. We will get the public's input then we will assess that accordingly and then take action.

Mr. Matthews: If we can get a petition together, we can go ahead and do that, right.

Mr. Schiefer: Sure. Any other comments.

Mr. John Halls: I am also from Oakwood Terrace. I'd like to add to what Mr. Matthews said. Oakwood is elderly people. Their reflexes are not like they were 20 or 30 years ago. Coming out of Oakwood, our exit is 2 or 3 feet from the proposed exit from your proposed building and there is no way anybody's reflex, even young people, will be able to control that. In addition to this, there is a commercial building across the street on Oakwood Terrace. The only parking area for those people there make it necessary for them to back into Oakwood Terrace. It is already a congested area. You are going to add to it even if there is a half dozen cars every three days you are asking for trouble. If cars are allowed to come out of there in addi-

tion cars coming off 94 are not that far away from that area and when they come off 94, cars are going to be backing up, coming out of there, coming out of Oakwood. I think you are asking for a problem.

Mr. Winglovitz: I'd hope you wouldn't have great velocity, the people driving won't have to much of a velocity on their car when you are only 2 or 3 feet away.

Mr. Halls: Have you been driving a car lately?

Mr. Winglovitz: Yes.

Mr. Halls: People drive quickly.

Mr. Schiefer: Is there approval from DOT?

Mr. Winglovitz: I submitted one in the plans.

Mr. Halls: May I ask when this was submitted to the Department of Transportation.

Mr. Winglovitz: The date is on there, I believe.

Mr. Schiefer: The Department of Transportation, their approval is dated, submitted 6-15-88 date signed by the DOT.

Mr. Halls: Well, the traffic pattern there has changed since then. There is a video store that is in that building that is the one that I mentioned that the cars keep coming back so whatever the decision the Department of Transportation made, it is not the same situation today.

Mr. Winglovitz: That is when the plans were submitted. When were they approved.

Mr. Schiefer: Date signed by the DOT 6-15. Here is a later date, no, it is the same one. It is June 22nd, 1988.

Mr. Halls: That is before the problem existed.

Mr. Schiefer: Are there any other questions or comments on this proposal.

Mr. Paul Cappichioni: Oakwood Terrace has two outlets. If they prefer, they can go out the end of Oakwood Terrace and make a left on St. Ann Drive. They have more sight distance and it is really not out of their way. You have over 500 feet of sight distance on both sides. I am going to say and this piece of property, this was offered to Oakwood Terrace for accessibility and they declined it a year ago so I think that Mr. Chris Berg (phonetic) and some of the people involved had that opportunity but now they are worried about the fact that there is more traffic. Personally, I don't think there is more because it is an emergency outlet. It is human nature not to go down

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the street and make a turn in the back of a strip mall when they can come in the front entrance. I think people are possibly being overwhelmed by this.

Mr. Rod Wells: I have to agree with Mr. Marshall. We have the property directly across the street on the side street, Oakwood Terrace, the traffic pattern from the housing development in the back of that area to the west of that property coming down St. Ann's Drive into Oakwood Terrace would cause a congested problem. People coming out of Oakwood that live at the end of Oakwood are not going to go to the other end of the parking lot to exit the facility to turn around and drive 300 feet back towards the highway. The other thing that I am concerned with that entrance to the development is the fact that our building faces that area and we would be looking, our front windows would be looking down what would end up their garbage row. All the dumpsters and accumulation of debris from the office would be in the back of the building and that driveway would cause a clear line of vision from our office right down their dumpster row. I'd like to see it either the exit moved to the front--

Mr. Schiefer: The second exit moved to the front.

Mr. Wells: Have the front exit split so they have two off the front, come in one and out the other, that would both, would then be available for emergency, whether they were one way or not. I think it would make a smoother traffic pattern for the whole area. I don't know if the Department of Transportation is concerned with the side street problems. I think their main approval is for the state highways, is it not.

Mr. Winglovitz: I'm sure they take both into consideration because of the traffic pattern.

Mr. Wells: I think their main consideration because if you have a side street, you don't need their approval.

Mr. Winglovitz: They take both into account. The dumpster pad is located in the very back corner, sheltered by trees on both sides. It is not going to be right behind the building itself.

Mr. Wells: You have an office with rear doors, they're going to put the debris in the back. We are going to look down the end of their garbage row. It is the nature of those strip malls.

Mr. Halls: I think Mr. Cappichioni's remark about Oakwood Terrace being offered that property has no bearing on this case but just to set the record straight, I happen to be the treasurer of Oakwood. We just weren't in a financial position to buy it. But, I don't see how it bears anything on this.

Mr. Cappichioni: I have told Oakwood about their garbage and their dumpsters which have been going all over my field and their tenants or homeowners have been parking property on my property and further--

more, Mr. Wells' building was once a bar, probably was in the police blotter every 24 hours, had far more traffic years ago than it does today. You are all forgetting about the past. Things are far better than they used to be.

Dr. Cliff Toback: I disagree with Paul. I am part owner of the building. I am also on the Board at Oakwood. I know how these people drive out. I know how my patients drive out after having foot surgery in the office or the hospital and when you have a cast on or certain shoes, you take things slowly and I know the problem we are having now with the people pulling out of Oakwood because the people at Oakwood are geriatrics. Sometimes, I can walk across the street two or three times before they make the turn. Now, with the video store, I think you are going to have a major problem with people backing out, of the people coming out of Oakwood and having the emergency exit. Also, it was a bar 5, 6, 10 years ago. It has no bearing.

Mr. Schiefer: That is irrelevant.

Dr. Toback: So far, I have heard two things about the past here. We are making sure that the future is no problem.

Mr. Winglovitz: It seems to me the major concern is people backing out from the video store into the people coming out from Oakwood. I think people coming out from Oakwood are going to be going straight out.

Dr. Toback: You are talking about where you are pulling out, being directly across and you are only looking at--I don't know what the side of the road is, how can a car backing out and going forward be able to turn at the same way, especially if it is a garbage or delivery truck pulling out the same way.

Mr. Wells: We look out our window and we watch near misses. You are suggesting putting another traffic flow right in the middle of what we witness on a daily basis as a problem. You can hypothesize all day long it is not going to be a problem and people are going to have time to see and 3 feet isn't a problem, doesn't matter. We witness the problem, now you add to that, you are going to increase the problem.

Mr. Jones: You created the problems when you came in here but you don't want nobody else to create any, is that the way it is.

Mr. Cappichioni: Dr. Toback's office was originally directly across the street, less than 75 feet away. I can't imagine people that are bandaged accelerating more or less since he was across the street. He moved to this side of the street. I find his comment totally invalid because of the chance his patients may be taking under duress regardless of their age.

Mr. Schiefer: I hear alot of comments about the video store. Let me ask the building inspector a question. Is that a legal store?

Mr. Babcock: To my knowledge its got a building permit. I don't know whether the C.O.'s been issued off-hand.

Mr. VanLeeuwen: If there is a change of use, there used to be a beauty shop in there now. If that changed to a video store, I don't know, it never came to this Board for a change of use and I don't think it came to the Zoning Board of Appeals for a change of use. So, I'd say until we look into it, it might be there illegally.

Mr. Rones: If it went from service to retail, I don't know what the C.O. on the building is for. So, I couldn't say.

Mr. Schiefer: We will look into that, the legality of that video store because everybody seems to comment that was the original cause of the problems.

Dr. Toback: We have no problem with the building. We are looking at the safety factors here of maybe moving the exit somewhere else.

Mr. VanLeeuwen: He is there and he don't want anybody else to go in there.

Dr. Toback: Excuse me, I don't understand what you are saying.

Mr. VanLeeuwen: You are already there and you are objecting to somebody else there.

Dr. Toback: We have no problem with the building. We are just looking at the safety factor.

Mr. Wells: We don't want the driveway directly across from our traffic, people coming out of the parking.

Dr. Toback: We are trying to save accidents and hassles.

Mr. Jones: Can you show us one better.

Mr. Wells: Moving that one closer to 94.

Mr. Jones: You are taking all the driveways in front of the property. They got permission from the DOT. We don't control the driveways.

Mr. VanLeeuwen: The DOT told them where to put the exit.

Mr. Wells: He probably submitted a proposed one and they said it was all right.

Mr. Schiefer: We don't design that, where the outlets are. We have had them changed again and again. What I'm really hearing from you is you are really not opposed to the stores as much as the exit.

Mr. Wells: I'd like to see the people, the people who are going to come there will see our business. It is going to be better than a vacant lot. There is probably going to be stores there that I can

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patronize. I don't want to see the increased traffic and I don't want to look down the garbage lane.

Mr. Cappichioni: I'd be willing to volunteer on the garbage end of it, fortunately, in my contract with these people, I have required, I think, 12, 15 foot hemlock trees so if you want, I don't care if you want to move the dumpsters over on my end. I can care less. Doesn't matter to me but I would rather see is that I have two encroaching dumpsters from Oakwood and I have addressed this and I am also a landowner in Oakwood Terrace, nobody is more sensitive to their needs but they can address this problem but their garbage is blowing all over my building for years and that is a problem. I have rats, garbage all over the place. I am sick and tired of it. I am sick and tired of finding all their used garbage.

Mr. McCarville: To get off that entire subject, I have some concerns with the overall density. I don't know if you have a figure of the total density of the lot. It would appear it is within 90% coverage between the building itself, the sidewalks and blacktop and it doesn't leave an awful lot of room for landscaping, very similar to what we looked at recently on 207 in the plan where there is approximately 5 foot strip for hemlocks and absolutely nothing else. There is no seeded area. There is just the perimeter shrubs.

Mr. Winglovitz: Natural stonewall existing stonewall in front and seeded drainage ditch, swale out front.

Mr. McCarville: This is all in the right-of-way.

Mr. Winglovitz: Seeded swale, all in front.

Mr. Schiefer: We will go down and take a look at this and see what it really looks like. We will put it on a site visit.

Mr. Winglovitz: These entrances and exits were worked out by the fire company of your town and the DOT as to the safety specs.

Mr. Schiefer: We have very little to say where the entrance and exits go. Those are the two departments, if they don't like it, they will veto it.

Mr. VanLeeuwen: I make a motion we close the public hearing. We will take it up for consideration at a later time.

Mr. McCarville: I will second that motion.

ROLL CALL:

| | |
|----------------|-----|
| Mr. McCarville | Aye |
| Mr. VanLeeuwen | Aye |
| Mr. Lander | Aye |
| Mr. Pagano | Aye |
| Mr. Jones | Aye |
| Mr. Schiefer | Aye |

1-11-89

Mr. Rones: In view of the public hearing, Mr. Edsall had made a suggestion in his comments that the Board assume lead agency status for the SEQR review process and this would be a good time as any to do that.

Mr. Jones: I'll make a motion that the Planning Board of the Town of New Windsor assume lead agency status for the SEQR review process with regard to Oakwood Commerical Center Site Plan 88-34.

Mr. VanLeeuwen: I'll second that motion.

ROLL CALL:

| | |
|----------------|-----|
| Mr. McCarville | Aye |
| Mr. VanLeeuwen | Aye |
| Mr. Lander | Aye |
| Mr. Pagano | Aye |
| Mr. Jones | Aye |
| Mr. Schiefer | Aye |



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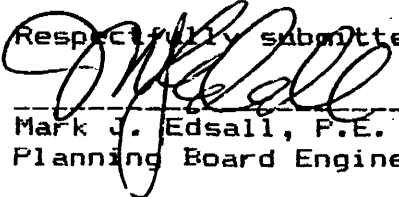
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TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: Oakwood Commercial Center Site Plan
PROJECT LOCATION: Route 94 (Near Oakwood Terrace)
PROJECT NUMBER: 88-34
DATE: 11 January 1989

1. The Applicant has submitted a plan for the development of the parcel located at the intersection of Route 94 and Oakwood Terrace as a "commercial center". The plan was previously reviewed at the 12 October 1988, 9 November 1988 Planning Board Meetings. The plan is before the Board at this time for a preliminary public hearing.
2. The plans as submitted have addressed all the previous engineering comments provided by the undersigned.
3. The Applicant's Engineer should investigate a reported drainage problem on the west end of the site near Oakwood Terrace.
4. Following the Public Hearing, the Planning Board should consider assuming the position of Lead Agency under the SEQRA review process.
5. After the comments from the public have been received and the Board has made a further review of the plan, additional engineering reviews can be made, if so desired by the Board.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJENJE

Oakwood

11-9-88

OAKWOOD COMMERCIAL CENTER - RT. 94 - SITE PLAN (88-34)

Mr. Ross Winglovitz came before the Board representing this proposal.

Mr. Winglovitz: We are seeking site plan approval for a commercial center on Foute 94, Town of New Windsor. I think everybody has a copy--

Mr. Jones: Do you have new maps?

Mr. Winglovitz: No. You asked for joint elevation of the building so we had the architect draw up, this is the more revised edition for everybody.

Mr. Scheible: It is dated 5-12.

Mr. Winglovitz: These are dated, I think he just had these done. He just dropped them off today. Some questions were raised about the second floor by the Building Inspector. The second floor is going to be incorporated into lower offices. Those are going to be part of the lower offices split it half so the second floor is going to be incorporated with the lower offices so there won't be any access problem. We have added additional screening for Oakwood Terrace in the back, more trees along the back of the property, trees along the sides, shrubbing around the building to make it look nicer. We've removed the handicapped parking for better access to the site.

Mr. VanLeeuwen: The last time we asked you if you got highway permit.

Mr. Winglovitz: We have the permit for utilities hook-up and for the road work.

Mr. VanLeeuwen: DOT approval?

Mr. Winglovitz: Yes.

Mr. VanLeeuwen: We should have them here in the file.

Mr. Babcock: It is my interpretation of the code as far as handicapped access the only thing that you do not have to supply is handicapped access to a second floor is in restaurants and similar occupancies where you have the same services on the second and first floor. There is not exception for office buildings as far as handicapped access to the second floor.

Mr. Winglovitz: I was told if you incorporated the office upstairs and downstairs where the same people own the offices then that would be fine.

Mr. Scheible: You said you had DOT.

Mr. Winglovitz: Yes. We had them last time but I didn't know we had them.

Mr. Scheible: The stonewall that runs across--

Mr. Winglovitz: It is going to be repaired and restored. It will add to the site. Right now, there is not much there, but maybe one tree and a bunch of brush and the stonewall.

Mr. Scheible: How far back does the stonewall go from the highway?

Mr. Winglovitz: It is located right there. I don't know what the distance would be, probably through the right-of-way.

Mr. Scheible: What I'd like to have is a note added to it that you will maintain the area between the stonewall and the highway, be it grass, keeping the grass down because there is a lot of garbage there.

Mr. Winglovitz: It is going to add to the look of the place. He wants it to look nice.

Mr. Scheible: We have heard that before too, trust me.

Mr. VanLeeuwen: We have to make a decision if we want to have a public hearing on this.

Mr. Scheible: I think we have a lot of neighbors around this area here.

Mr. Lander: There should be a public hearing.

Mr. Scheible: We are putting this down in a very densely populated area and to go through that without a public hearing, I would not recommend it. Am I right.

Mr. Rones: Absolutely.

Mr. VanLeeuwen: I would agree.

Mr. VanLeeuwen: I think we should set this up for a public hearing and go from there and we also should find out if he got DOT.

Mr. Winglovitz: I will drop it off tomorrow.

Mr. Scheible: Let's set the public hearing up for the meeting of December. How is that. Is that suitable?

Mr. Babcock: What I would like to see happen here is that we have an application now for a public hearing where it has got to be filed with some instructions and whatever to the applicant. My opinion is I was going to talk to the Board after this meeting. I have this thing made up and the way I feel it should work is that the public hearing, once the paperwork is all completed on their part, they can submit it back to me and then we will schedule a date.

Mr. Scheible: Anything to make your office run smoother. We are here to help.

Mr. Babcock: That is a system that I think will work fine.

Mr. Scheible: All right, so we will--

Mr. Rones: Do you have any extra copies for that for the applicant.

Mr. Babcock: It is in a draft form for your review.

Mr. Scheible: We will go over that draft with Mike this evening and I will give you a copy of that. When would you like to see this gentlemen in your office, Friday.

Mr. Babcock: I am pretty sure, Joe has worked on these forms and I wanted your opinion on what we were doing here. I don't see that there is going to be any problems with it. I would say probably by Monday or Tuesday.



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**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: Oakwood Commercial Center Site Plan
PROJECT LOCATION: Route 94 (Near Oakwood Terrace)
PROJECT NUMBER: 88-34
DATE: 9 November 1988

1. The Applicant has submitted a plan for the development of the parcel located at the intersection of Route 94 and Oakwood Terrace as a "commercial center". The plan was previously reviewed at the 12 October 1988 Planning Board Meeting.

2. It appears that all the previous comments from the Engineer have been addressed on the revised plan.

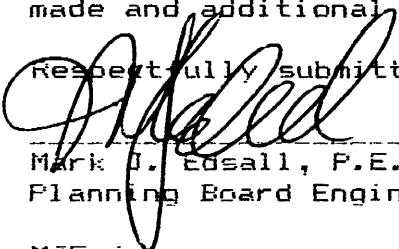
3. The site plan will require the review and approval from the New York State Department of Transportation, with regard to the access onto Route 94. The disposition of this application should be discussed.

4. The Board may wish to determine if a public hearing is required for this site plan.

5. The Board may wish to discuss the lead agency position under the SEQRA review process.

6. After the Board has reviewed this revised plan, should any additional concerns be identified, further engineering review can be made and additional comments provided, if necessary.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEnje

oakwood

10-12-88

OAKWOOD COMMERCIAL CENTER - SITE PLAN (88-34)

Mr. Ross Winglovitz from Tectonic came before the Board representing this proposal.

Mr. Winglovitz: We are seeking site plan approval. The site is now a vacant lot with some stumps and a vine and a stonewall.

Mr. VanLeeuwen: Who owns the property?

Mr. Winglovitz: Cline, Mr. Cline.

Mr. Scheible: In our files, it says Leon Cline.

Mr. Ronces: On the plan it says the record is Cappichioni. Probably he is in contract.

Mr. Jones: Are you leaving the stonewall?

Mr. Winglovitz: Yes.

Mr. Scheible: And, the use for the building.

Mr. Winglovitz: It is going to be commercial, most likely retail and office space whichever he finds suitable.

Mr. Scheible: There is no set building that is going to come into this, no set business or anything like that.

Mr. Winglovitz: No.

Mr. Babcock: It is in a neighborhood commercial zone. One of Mark's comments here, it has to be labeled with some--what is the permitted use. We have to know, we have to know that one of the multiple uses is a permitted use, retail office or get out the NC Table and choose.

Mr. Winglovitz: Okay.

Mr. Rones: Just have the zoning listed on plan in your bulk requirements. Indicate that it is for the NC Zone.

Mr. Winglovitz: No problem. Mark had a comment whether it was NC Zoned or was not because of the confusion there is alot of different zones cutting through the same area. He was telling me, I believe, and I tried to get a hold of the town zoning map but it happens that there is no town zoning map. It is being changed.

Mr. Scheible: Bobby Rogers found it acceptable.

Mr. Jones: Number one, there is no building on there.

Mr. McCarville: Looking at this, you have a road coming out almost directly across from this property on Ceasars Lane and you have Oakwood Terrace here to the south on the opposite side you have the convenience store, to this side you have Paul's Office with a driveway coming out and as Ron said, it is 130 feet from the proposed driveway to Oakwood Terrace. This whole thing should come in and off of Oakwood Terrace without anything off 94.

Mr. Lander: It is a town road.

Mr. Winglovitz: This is more acceptable to the fire department with two entrances.

Mr. McCarville: You will have two, one coming in and one coming out.

Mr. VanLeeuwen: We have no control over that.

Mr. McCarville: We have control over approving or disapproving a plan.

Mr. Lander: If you were going to do something, make it an entrance only. Make the whole thing, should be on Oakwood Terrace.

Mr. McCarville: We are going to need a handicapped plan and screening to the rear to Oakwood Terrace Corporation if you look at this, the whole thing is blacktopped. Every inch is either blacktop or building and again, I am wondering if we are not trying to squeeze too much onto a lot. You have about a 22 square feet of area there which would have no grass, nothing here but blacktop. It is overdeveloped. The whole thing is overdeveloped. I still don't like this coming out onto 94.

Mr. VanLeeuwen: Two or three foot around the edge of the building leaves something for planters.

Mr. Scheible: You didn't submit a landscaping plan?

Mr. Winglovitz: No. It is going to be typical office building with entrance in the front.

Mr. McCarville: It is going to be brick or metal?

Mr. Scheible: Your plans are quite vague here. There is quite alot missing. Your next step is to come back into this Board with a more detailed plan and note, I would make a few notes. We'd like to see a landscaping plan. I'd like to see a--

Mr. Winglovitz: I'd like one of Mark's comments. One of them was how many parking spaces is adequate and I found out that we are more than adequate with the retail floor space used. We only need 30 spaces and we have 42 so I'd like to take out that back row of parking spaces.

Mr. VanLeeuwen: I think you ought to leave that in there but what I'd like to see around the building is a sidewalk plantings around the building.

Mr. Winglovitz: I will have to confer with the fire department because they wanted the 30 foot setback.

Mr. Scheible: What you have done you have put as large a building as possible and eliminated all the little niceties that we like to see. Now, you are going to have to move all the little niceties, the sidewalk and the landscaping and so forth and you are going to end up shrinking your building. That is what is going to have to happen. We just can't throw a building in there and take off and leave that it would look like--we have to live with it. You come from Highland Mills. You are not going to see it as much as we do. We look at it day in and day out and we have to live with it and we want something that we can be proud of looking at.

Mr. Winglovitz: Major points are landscaping and reducing development of the lot.

Mr. Scheible: Exactly by doing things that we are requesting, you are going to have to reduce the size of the building.

Mr. Schiefer: What about the access on Route 94. Give some thought about what you think about putting both entrances and exits on Oakwood Terrace.

Mr. Babcock: I know on other projects that we have seen on retail or whatever its been, we like to see a rear entrance for loading and deliveries so that we don't have trucks and tractor trailers in the front.

Mr. Winglovitz: There is a storage area.

Mr. Lander: Show us where all the entry doors are for deliveries.

Mr. McCarville: I am still not at all pleased with the side of the building and the amount of the building you are developing with the building and blacktop. Not even 8% of the property you are going to have to shrink that down.

Mr. Scheible: I think he understands that.

Mr. Babcock: Is that a useable second-story?

Mr. Winglovitz: That is up to the architect.

Mr. Babcock: Have you seen the building plans?

Mr. Winglovitz: No.

Mr. Scheible: Thank you

Being that there was no further business to come before the Board a motion was made by Mr. VanLeeuwen to adjourn the October 12th, 1988 meeting of the Town of New Windsor Planning Board seconded by Mr. Jones and approved by the Board.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frances Sullivan", is written over a horizontal line.

FRANCES SULLIVAN
Stenographer



LOCATION MAP

SCALE: 1"=2000'

NOTES:

1. BOUNDARY SURVEY PERFORMED BY PATRICK T. KENNEDY;
REFERENCE PLAN DATED OCTOBER 15, 1986.
2. TOPOGRAPHY SURVEY PERFORMED BY AFFILIATES AND
DEBORAH LEE KING.
3. RECORD OWNER: CAPICCHIONI INC.
4. DEVELOPER: K&K MANAGEMENT CO.
5. DEED REFERENCE: L. 2834 P. 63.
7. TOTAL BUILDING AREA: 6,300 Sq. Ft. INCLUDING
1,280 Sq. Ft. OF STORAGE YIELDING NET USABLE
AREA OF 5,040 Sq. Ft.
8. TAX MAP DESIGNATION: SECTION 44, BLOCK 1,
LOT 39.
9. A 20 FOOT RESERVE STRIP SHALL BE PROVIDED FOR
FUTURE CROSS ACCESS TO CAPICCHIONI PROPERTY (IF
NECESSARY). PRIOR TO CONSTRUCTION IF SAME, OWNER
WILL SUBMIT NEW PARKING PLAN TO PLANNING BOARD
FOR APPROVAL. PARKING SPACES SHALL BE RELOCATED
AS NECESSARY.

BULK REQUIREMENTS

| <u>MINIMUM</u> | <u>REQUIRED</u> | <u>PROVIDED</u> |
|-----------------|-----------------|-----------------------|
| LOT AREA | 10,000 Sq. Ft. | 34,761 Sq. Ft. |
| LOT WIDTH | 100 Ft. | 264.47'. |
| FRONT YARD | 40 Ft. | 50 Ft. |
| SIDE YARD | 15 Ft. | 50/62 Ft. |
| BOTH SIDE YARDS | 15 Ft. | 112 Ft. |
| REAR YARD | 15 Ft. | 40 Ft. |
| PARKING | 34 SPACES | 34 SPACES |
| <u>MAXIMUM</u> | <u>ALLOWED</u> | <u>PROVIDED</u> |
| BUILDING HEIGHT | 35 Ft. | 18 Ft. |
| USES | | RETAIL & OFFICE SPACE |

NEW WINDSOR PLANNING BOARD APPROVAL

SITE PLAN _____ APPROVAL GRANTED
BY TOWN OF NEW WINDSOR PLANNING BOARD
ON OCT - 3 1990
BY Daniel C. McCarville
DANIEL C. MCCARVILLE
SECRETARY



TECTONIC
ENGINEERING CONSULTANTS P.C.

P.O. Box 447, 600 Route 32
Highland Mills, N.Y. (914) 928-6531

AS-BUILT SITE PLAN

OAKWOOD COMMERCIAL CENTER
NEW WINDSOR, NEW YORK

| | | | | |
|---------------------------|-------------------|------------|-------------|-----|
| Approved for Construction | Date | Work Order | Drawing No. | Rev |
| | 6/26/90 | | | |
| | Scale 1" = 20' | 739.01 | C-101 | 1 |

REQUIRED PARKING AREA

TOWN OF NEW WINDSOR REQUIREMENTS:
RETAIL - 1 SPACE/150 Sq. Ft.





CALCULATIONS

RETAIL =

AREA = $0.8 \times 150 \text{ Ft.} \times 42 \text{ Ft.} = 5,040 \text{ Sq. Ft.}$

SPACES REQUIRED = $5,040 \text{ Sq. Ft.} \times 1 \text{ SPACE}/150 \text{ Sq. Ft.} = 33.6 \text{ SPACES}$

TOTAL NUMBER OF SPACES REQUIRED = 34

| SYMBOL | TYPE | BOTANICAL NAME | COMMON NAME | AVERAGE HEIGHT |
|---|------|---------------------|------------------|----------------|
|  | A | TAXUS MEDIA | HICKS YEW | 15'-16' |
|  | B | JUNIPERUS CHINENSIS | HETZ JUNIPER | 1'-2' |
|  | C | TSUGA CANADENSIS | CANADIAN HEMLOCK | 3'-8' |
|  | D | THUJA OCCIDENTALIS | EMERALD GREEN | 4'-5' |

| Rev. No. | Revision | Date | Des. | Chk'd | Approved Chief Engr. | Drawing Control | | | | |
|----------|--|---------|------|-------|----------------------|------------------|-------------|------|-------------|------|
| | | | | | | Purpose | Approved By | Date | Released By | Date |
| 1 | ADDED SITE LIGHTING, AND NUMBERED CATCH BASINS | 6/24/96 | J.Z. | | | | | | | |
| | | | | | | For Information | | | | |
| | | | | | | For Comment | | | | |
| | | | | | | For Bid | | | | |
| | | | | | | For Construction | | | | |

GRAPHIC SCALE

